

December 1955

Volume XLV, No. 11

NATIONAL MUNICIPAL REVIEW

- **Another Opportunity**
- **The Los Angeles Smog**
- **Courts Nullify Home Rule**
- **Unrepresentative States**

**Manager Plan Leads
in Cities Over 25,000**

PUBLISHED BY THE NATIONAL MUNICIPAL LEAGUE

National Municipal Review

Carl H. Pforzheimer Building, 47 East 68th Street, New York 21, N. Y.

ALFRED WILLOUGHBY, Editor

ELSIE S. PARKER, Assistant Editor

CONTRIBUTING EDITORS

JOHN E. BEBOUT
WILLIAM N. CASSELLA, JR.
RICHARD S. CHILDS
SAMUEL K. COVE
GEORGE H. HALLETT, JR.

VICTOR JONES
JOHN P. KEITH
H. M. OLMSTED
WADE S. SMITH
WM. REDIN WOODWARD

STATE CORRESPONDENTS

H. F. ALDERFER, *Pennsylvania*
BRUCE B. ANDREWS, *Wisconsin*
CARTER W. ATKINS, *Connecticut*
CHESTER BIESEN, *Washington*
D. BENTON BISER, *Maryland*
ERNEST M. BLACK, *Oklahoma*
JOHN C. BOLLENS, *California*
WILLIAM L. BRADSHAW, *Missouri*
A. C. BRECKENRIDGE, *Nebraska*
ARTHUR W. BROMAGE, *Michigan*
FRANKLIN L. BURDETTE, *Maryland*
CHARLTON F. CHUTE, *New York*
WELDON COOPER, *Virginia*
C. A. CROSSER, *Washington*
PAUL DOLAN, *Delaware*
D. MACK EASTON, *Colorado*
WILLIAM O. FARBER, *South Dakota*
VICTOR FISCHER, *Alaska*
FOREST FRANK, *Ohio*
DAVID FUDGE, *Oklahoma*
ROBERT M. GOODRICH, *Rhode Island*
MRS. LEONARD HAAS, *Georgia*
M. H. HARRIS, *Utah*
SAM HAYS, *Arkansas*
ROBERT B. HIGSAW, *Alabama*
EDWARD H. HOBBS, *Mississippi*
JACK E. HOLMES, *New Mexico*
ORREN C. HORMELL, *Maine*
WALTER E. KALOUPKE, *North Dakota*
HERMAN KEHRLI, *Oregon*

JOSEPH A. KELLY, *Rhode Island*
PAUL KESLO, *Arizona*
DAVID C. KNAPP, *New Hampshire*
DRYDEN KUSER, *Nevada*
JOHN D. LANGMUIR, *New Hampshire*
STUART A. MACCORKLE, *Texas*
BOYD A. MARTIN, *Idaho*
EDWARD M. MARTIN, *Illinois*
JAMES W. MARTIN, *Kentucky*
JAMES W. MCGREW, *New Jersey*
DAYTON D. MCKEAN, *Colorado*
EDWIN B. MCPHERON, *Indiana*
WILLIAM MILLER, *New Jersey*
LENNOK L. MOAK, *Pennsylvania*
ANDREW E. NUQUIST, *Vermont*
KIMBROUGH OWEN, *Louisiana*
FRANK W. FRESCOTT, *Tennessee*
JOHN E. REEVES, *Kentucky*
ROLAND R. RENNE, *Montana*
RUSSELL M. ROSS, *Iowa*
ALBERT B. SAYE, *Georgia*
VICTORIA SCHUCK, *Massachusetts*
LLOYD M. SHORT, *Minnesota*
GEORGE C. SIPPPELL, *New York*
PAUL D. STEWART, *West Virginia*
ROBERT H. STOUDEMIRE, *South Carolina*
JOHN G. STUTZ, *Kansas*
HERMAN H. TRACHSEL, *Wyoming*
PAUL W. WAGER, *North Carolina*
YORK WILLBERN, *Alabama*

JOHN F. WILLMOTT, *Florida*

Published by NATIONAL MUNICIPAL LEAGUE

George H. Gallup, *President*

John S. Linen, *Vice President*

George S. Van Schalk, *Vice President*

Richard S. Childs, *Chairman, Executive Committee*

COUNCIL

Cecil Morgan, *New York, Chairman*

Frederick L. Bird, *New York*
Arthur W. Bromage, *Ann Arbor, Mich.*
E. Bartlett Brooker, *Dayton, Ohio*
Henry Bruere, *New York*
William H. Bulkeley, *Hartford*
Mrs. Albert D. Cash, *Cincinnati*
Charles E. Commander, Jr., *Jacksonville*
L. P. Cookingham, *Kansas City, Mo.*
E. D. Dodd, *Toledo*
Harold W. Dodde, *Princeton, N. J.*
Charles Edison, *West Orange, N. J.*
Herbert Emmerich, *Chicago*
Arnold Frye, *New York*
Ewart W. Goodwin, *San Diego*
Thomas Graham, *Leavenworth*

Francis A. Harrington, *Worcester*
Mrs. Siegal W. Judd, *Grand Rapids*
Myron C. Law, *Seattle*
Mrs. Virgil Leeb, *St. Louis*
L. E. Marlowe, *Richmond, Va.*
Roscoe C. Martin, *Syracuse, N. Y.*
Frank C. Moore, *Kennett, N. Y.*
Otto L. Nelson, Jr., *Princeton, N. J.*
James M. Osborn, *New Haven, Conn.*
H. Bruce Palmer, *Newark, N. J.*
Lawson Purdy, *New York*
Robert H. Rawson, *Cleveland*
Arthur B. Richardson, *New York*
Philip K. Robinson, *Milwaukee*
Murray Seansongood, *Cincinnati*

REGIONAL VICE PRESIDENTS

Jac Chambliss, *Chattanooga*
William Collins, *New York*
Ben B. Ehrlichman, *Seattle*
John B. Gage, *Kansas City, Mo.*
Carl J. Gilbert, *Boston*
Harry Goldwater, *Phoenix*
Lloyd Hale, *Minneapolis*

Arthur E. Johnson, *Denver*
Mark S. Matthews, *Greenwich, Conn.*
John Nuvoon, *Chicago*
Ed. P. Phillips, *Richmond*
Thomas R. Reid, *Dearborn, Mich.*
Charles P. Taft, *Cincinnati*
Alex R. Thomas, *San Antonio*

Carlson B. Tibbotts, *Los Angeles*

News of the League

League Holds 'House Warming'

The Carl H. Pforzheimer Building, first permanent "home" of the National Municipal League since the organization was established in 1894, was scheduled to be dedicated at a house warming the afternoon of December 2.

The dedication ceremonies were to follow the annual meeting of members at which the election of officers and Council was the principal business.

Participants in the ceremonies will include George Gallup, president; Cecil Morgan, chairman of the Council; Lawson Purdy and Charles Edison, former presidents; Richard S. Childs, chairman of the Executive Committee; William Collins, regional vice president; James M. Osborn, member of the Council; Thomas H. Reed, municipal consultant; and Walter M. Weiss, chairman of the board, City Club of New York.

Following tours of the building and a reception in the Murray Seasongood Library, the Council will have a buffet supper and its annual business meeting in the Osborn Room. Usually held in connection with the National Conference on Government, the business meeting was postponed until December because this year's Conference met in July.

John Bebout Chosen as Alaska Consultant

The Alaska Constitutional Convention, meeting at the University of Alaska near Fairbanks, has invited League Assistant Director John E. Bebout to serve as one of its consultants for approximately a two-week period.

The convention, which opened November 8, is directed "to prepare a constitution for the state of Alaska" which, if approved by the people, will be submitted to Congress as a part of the basis for admission to the Union. The convention is the culmination of six years of work by the Alaska Statehood Committee, headed by Robert B. Atwood, publisher of the Anchorage *Daily Times*. The League has been in continuous contact with the Statehood Committee.

Bebout is recognized as a specialist in state constitutions. He was one of the organizers of the New Jersey Committee for Constitutional Convention and became executive vice president of the New Jersey Constitution Foundation which conducted the educational program leading to a new constitution for New Jersey in 1947.

President George Gallup (center) accepting, in conference with Dr. Frederick L. Bird (left), chairman of Nominating Committee, and Executive Director Alfred Willoughby, renomination for third term.





After 23 years as a member of the League's staff, Mrs. Olga Willoughby (center) says a cheerful farewell to two long-time associates, Mrs. Stella Foreman, left, and Miss Elsie S. Parker right, in front of the Carl H. Pforzheimer Building.

Oldest employee in years of service, Mrs. Willoughby started with the League as clerk-typist at the age of fourteen and advanced through a variety of positions including bookkeeper, secretary and office manager. She "retired" following marriage to League's executive director.

Conference Passes 1,000 Attendance Again

A total of 1,123 persons from 34 states and five countries and territories outside the United States registered at the League's annual National Conference on Government held last July in Seattle, according to a recent report and analysis received from the Bureau of Governmental Research and Services at the University of Washington, one of the conference hosts.

It is estimated that another several hundred persons attended some of the 25 sessions without registering. The dinner and three luncheons alone drew 1,394.

Business and civic leaders, educators and public officials accounted for most of the attendance, of which 355 persons were from the immediate Seattle area and 773 from more distant places.

This was the fourth consecutive year that conference attendance surpassed one thousand.

Back in harness after two months touring the Near East and Europe, Richard S. Childs catches up on accumulated correspondence with his secretary, Florence Schissel.



National Municipal Review

Volume XLIV, No. 11

December 1955

Published monthly except August by the National Municipal League

NEWS OF THE LEAGUE	553
League Holds "House Warming"	553
EDITORIAL COMMENT	556
Another Opportunity	556
Correction in Boston	557
THE LOS ANGELES SMOG	<i>Ronald Schiller</i> 558
COURTS NULLIFY HOME RULE	<i>W. Bernard Richland</i> 565
UNREPRESENTATIVE STATES	<i>Manning J. Dauer and</i> <i>Robert G. Kelsay</i> 571
News in Review	
CITY, STATE AND NATION	<i>H. M. Olmsted, Editor</i> 576
Manager Plan Passes Others	576
COUNTY AND TOWNSHIP	<i>Victor Jones and William</i> <i>N. Cassella, Jr., Editors</i> 583
Fringe Area—A Problem Child	<i>Ralph M. Blagden</i> 583
TAXATION AND FINANCE	<i>Wade S. Smith, Editor</i> 588
Voters Defeat Fiscal Proposals	588
PROPORTIONAL REPRESENTATION	<i>George H. Hallett, Jr., and</i> <i>Wm. Redin Woodward, Editors</i> 591
Six P.R. Elections Held November 8	591
CITIZEN ACTION	<i>Elsie S. Parker, Editor</i> 594
Form Foundation to Educate Voters	<i>Otto Charles Press</i> 594
RESEARCHER'S DIGEST	<i>Samuel K. Gove, Editor</i> 599
Stress Need for Research Data	599
BOOKS IN REVIEW	602

Entered as second class matter July 11, 1932, at the Post Office at Worcester, Massachusetts. Publication office, 150 Fremont Street, Worcester 3; editorial and business office, Carl H. Pforzheimer Building, 47 East 60th Street, New York 21, N. Y. Copyright 1955 by the National Municipal League. Subscription, \$5 per year; Canadian, \$5.25; foreign, \$5.50; single copies 50 cents. The contents of the REVIEW are indexed in *International Index to Periodicals* and *Public Affairs Information Service*.

Editorial Comment

Another Opportunity

FEDERAL statutes call for a census to provide comprehensive nation-wide information for the year 1957 as to "taxes and tax valuations, governmental receipts, expenditures, indebtedness and employees." In accordance with this mandate, the Bureau of the Census has been preparing plans to develop new basic statistics on these subjects, based on information to be gathered from all governmental units in the United States. As projected, the 1957 "census of governments" is to supply figures by states on taxable property values and on the finances and employment of state and local governments, county-by-county totals on the finances and employment of local governments, and comparative statistics for numerous individual governmental units.

There is ample precedent for this program. Our knowledge of historical trends in the nation-wide scale and financing of government comes mainly from similar censuses conducted early in each decade from before the Civil War up to 1942.

Whether a census of governments is actually taken for the year 1957, however, will depend on whether funds are appropriated for this purpose at the forthcoming session of Congress. In view of the historical background, the ever-increasing scale of state and local government, and the importance of having reliable nation-wide information about them at reasonable intervals, one might think there would be no question of adequate provision for such an under-

taking. Recent history shows, however, that even so desirable a project may fail to receive proper understanding amid the complexity and pressures of the federal budgeting process.

The census of governments legally authorized for the year 1952 was not taken because Congress, citing the heavy costs of national defense, did not appropriate the \$2,250,000 recommended for it in the budget. Under the heading "When Economy Is Not Economy," the NATIONAL MUNICIPAL REVIEW of October 1951 commented editorially:

The information that could be provided by a new census of governments should permit savings—through better public policies and administration at all levels—far exceeding the project's cost.

Our system is necessarily a complicated one. Complexity frustrates the citizen with the result that ultimate control slips farther and farther from his hands. For this reason, a continuous flow of accurate up-to-date information about all our governments and their activities is the very breath of life to our democracy.

At that time also, Professor William Anderson of the University of Minnesota, formerly president of the American Political Science Association, commented in dismay:

Have we reached that point where Congress is to cut off what little it has done to keep the nation informed about local government and, as it were, wash its hands of the whole question? . . . Have Congress

and the nation lost interest in local self-government?

It is not surprising to find these reactions echoed in the findings and conclusions of the Commission on Intergovernmental Relations, which found its recent three-year inquiry sadly handicapped by the dearth of information such as would have been available if there had been a 1952 census of governments. Its Study Committee on Federal Responsibility in the Field of Education urged more provision for "the basic data which are necessary to form firm judgments on the fiscal ability and the extent of public services in the several states." The commission's Advisory Subcommittee on Local Government pointed out, "the necessity for strengthening within the national government the machinery and the appropriations for various types of technical service, assistance and advice of great value to the local governments, as well as to

the states." In its own final report the commission as a whole stated that it "recognizes that in sum these services-in-aid contribute substantially to the quality and effectiveness of state and local action. It agrees with its Subcommittee on Local Government that they should be strengthened on a selective basis."

Adequate appropriation for the 1957 census of governments would thus be a step toward carrying out one of the constructive recommendations of the commission. It would be a practical recognition by Congress of the national interest in effective state and local government. Fact-gathering of the kind contemplated can be done economically if at all only by the national government. Spending for this purpose should appeal, therefore, to all who believe either in decentralization or in governmental economy—or in both.¹

Correction in Boston

SOME political observers are wondering whether Boston at long last is showing signs of political maturity or whether it is simply a matter of time taking care of things.

For many years Bostonians seemed to take a resigned attitude toward James Michael Curley, classing him with other natural catastrophes "like an earthquake or a volcanic eruption, about which nothing can be done," to quote an editorial of seven years ago from the *Berkshire Eagle* of Pittsfield, Massachusetts.

Now, for the first time in 50 years, the colorful, controversial Mr. Curley

has been defeated in a primary, getting less than 25,000 of the more than 128,000 votes cast. This political magician had served as mayor of Boston several times, as governor of Massachusetts and as congressman; he had served as well two terms behind the bars, once near the beginning of his career and once near the end.

His recent campaign was waged on the slogan, "Vote for the man with the heart," which probably was more

(Continued on page 606)

¹See also page 599, this issue.

The Los Angeles Smog

Responsible citizen leadership finally coming to grips with problem that worries big cities the world over.

By RONALD SCHILLER*

ON a lovely sunlit morning this past October, Martin Train and his wife Evelyn sat at breakfast in the patio of their San Fernando Valley home just outside Los Angeles, listening apprehensively to the radio for the daily smog report. Finally it came, the same thing they had heard for five days in succession—"Smog Red."

Martin swore and his wife groaned as they began revising their plans for the day. Evelyn decided to put off her marketing until nightfall again. Martin telephoned John Eggston, his neighbor and office co-worker. "Heard the report? Guess we'd better drive downtown together." Actually, the authorities had requested that four people share each car during smog alerts to cut down the number of vehicles on the roads, but it was too difficult to arrange.

"What about the rubbish?" Evelyn asked her husband as he left the house. It had been accumulating beside the back-yard incinerator all week. "Listen to the radio," said Martin. "Maybe they'll let us burn it tonight."

As the two men drove through Cabuenga Pass toward central Los

Angeles, they could see the smog lying in wait for them in the valley below—a thin, gray, woolly blanket that blotted out one of the world's most beautiful vistas. Soon came the acrid, slightly nauseating smell; then their eyes began watering. For the rest of the day, wherever they went—even in some air-conditioned buildings—they and most of the other 5,250,000 residents of the Los Angeles basin kept their handkerchiefs handy, dabbing at the tears that started out of their eyes and down their cheeks, coughing to clear their irritated throats and lungs, and hanging grimly on to their frayed tempers.

Back home Evelyn watered the wilted flowers and brown-spotted hedges in the garden while she had the chance. She knew they would look a lot worse tomorrow. By 10:30 the smog had crept through the pass and was stretching sly, wispy tentacles toward her home. She picked up the baby, went into the house and closed all the doors and windows, to stay there until the fumes dispersed in late afternoon. On the wall of the game room hung an old comic sign, warning, "No smoking in groups!" Had she remembered it, Evelyn would have taken it down. Angelenos are no longer amused by jokes about smog, or by the gas masks that publicity-

*Mr. Schiller has been a writer for a good many years. His articles have appeared in *Reader's Digest*, *Collier's*, *Life*, *Saturday Evening Post*, *Look* and many other magazines of national circulation. He has done extensive traveling around the world in his search for stories.

seekers occasionally wear, or by the cans of "Pure, Fresh San Francisco Air" that their thoughtful northern California rivals send to them. The situation has become far too serious for that.

All day long, at smog monitoring stations throughout the Los Angeles area, technicians carefully watched their instruments, sending hourly reports to air pollution control headquarters. From there a summary was radioed to the offices of the mayor and county sheriff, to police patrol cars, broadcasting stations and newspapers that would keep the populace informed. This was not considered a particularly dangerous smog; the ozone content registered only four parts per ten million, enough for the "Smog Red" alarm.

But tucked deep in the minds of Angelenos were memories of disasters in other places and other times: Donora, Pennsylvania, where 20 persons were killed and hundreds made violently ill after five smoggy days in 1948; London, England, where the deaths of 4,000 people were believed to have been hastened by seven days of smog in 1952.

The possibility of a similar disaster occurring in Los Angeles is officially judged "extremely remote," since the smog is quite unlike the lethal fumes of Donora and London. But authorities are taking no chances. When the ozone content of the atmosphere rises to five parts per ten million—or 0.5 on their instruments—they proclaim a first alert. Burning of combustible wastes is banned, industries producing abnormal amounts of air-polluting con-

taminants make preparations to shut down, and the public is urged to stop all nonessential use of motor vehicles.

A second alert would be called if the concentration of ozone in the air were to reach 1.0, creating a preliminary health menace. All but essential vehicular traffic would be forbidden. Filling stations and the worst air-contaminating plants would close, and all other industries would make preparations to shut down.

A third (and final) alert would be called if ozone content reached 1.5. The governor of California would declare a state of emergency. Every smokestack in the city, except those of essential power stations, hospitals and the like, would stop functioning and none but emergency vehicles would be allowed to operate.

Effect on Health

The situation in Los Angeles has not yet gone beyond first alert. As of this writing fifteen of these have been called since the system went into effect last June, however. The worst condition occurred on September 13, a "Black Tuesday," after ten days of continuous smog, when ozone content reached 0.9.

No one knows for certain what lasting effect this smog may have on human health, although it is apparent that persons with asthma, hay fever and respiratory diseases suffer particularly from it. A study made for California authorities by Dr. Clarence Mills of the University of Cincinnati concluded that the deaths of 340 tuberculosis, pneumonia and heart-disease patients were hastened by smog over a three-year period.

Dr. Mills believes that smog acts

like a diluted poison gas, causing the minute air passages of the lungs to swell, thus preventing life-giving oxygen from passing into the bloodstream. Dr. Mills also predicts there will soon be a sharp increase in lung cancer deaths among long-time residents of Los Angeles, since it takes twelve to fifteen years for the disease to manifest itself and it is exactly twelve years since smog first began to plague the city. He is supported by Dr. Paul Kotin of the University of Southern California Medical School, who increased lung cancers in mice by placing them in smog-filled inhalation chambers. Both men believe air pollution may be the most basic source of known lung cancer-producing products.

Hard on Crops

The effect of smog on the lush crops of Los Angeles, once the richest agricultural county in the nation, is far easier to detect. Leafy vegetables have been especially hard hit; they turn silvery and sometimes die. Brown spots which appear on other crops have reduced their grades and sales value. During one smoggy week in 1949 the value of agricultural products in the county fell a quarter of a million dollars. Vegetation in the area is smaller, less luxuriant and vigorous than it used to be.

The contaminants that create smog are not peculiar to Los Angeles. They are present in the atmosphere of every motorized city on earth. That Los Angeles should be the first city to suffer its effects is due to conditions of climate and topography, plus the fact that the city's

population has grown so fast that it has outstripped its air supply. The Los Angeles basin, 60 miles long by 25 miles wide, is hemmed in on three sides by mountains, while the steady pressure of cool air blowing in from the Pacific boxes it on the fourth side. Hot air from the Mojave Desert flowing westward over the mountains overrides the cool air, creating an upside-down atmosphere called a "temperature inversion." Since the hot air, being light, stays up, and the heavier cool air stays down, there is no vertical circulation.

Such temperature inversions are infrequent in most parts of the world, but in Los Angeles they occur 250 days of the year, especially during the months from July to November. When the lid provided by this inversion drops below 1,500 feet, preventing the incoming air from escaping over the mountains, the valley becomes a gigantic, stagnant receptacle into which are poured the discharges from millions of chimneys, 15,000 industrial stacks, 1,500,000 incinerators and 2,500,000 automobile and truck exhausts.

Nighttime provides only temporary relief. Gentle offshore breezes waft the smog ingredients out to sea, but they drift back next morning, like eddying garbage in a sluggish harbor. Each new day adds more air-borne waste to the accumulation, so that the longer the inversion exists the worse the pollution becomes.

This situation is not new to Los Angeles. The first Spanish explorers, noting how smoke from Indian fires filled the basin, named it "Bay of Smokes." But it was not until 1943

that the first eye-smarting, lung-irritating, plant-damaging "smog" appeared over the city. This immediately imposed a scientific mystery. No one knew what caused it.

The word "smog," a contraction of "smoke" and "fog," is actually a misnomer for Los Angeles. Fog is *not* a factor here; in fact, the worst smog appears on the clearest days. And the city itself is unusually free of smoke, since it burns little coal, relying on petroleum and natural gas for both domestic and industrial heat and power.

The once notoriously smoggy cities of St. Louis and Pittsburgh had cleansed their atmospheres by eliminating coal smoke—a fairly simple job—and the Los Angeles Air Pollution Control District, created by act of the California legislature in 1947, at first looked around for a similar easy solution. It decided the culprit was sulfur fumes emanating from the huge oil refineries along the city's southwestern edge. At the district's urging, the oil companies installed six million dollars' worth of sulfur-recovery equipment, eventually reducing sulfur content in the atmosphere to below 1940 levels. But the smog grew worse.

Later the district worked out a set of maximum permissible smoke standards for industry, and sent out smartly uniformed, college-trained deputy sheriffs to bring violators to a special "Smog Court" for fining. Smoke abated somewhat, but the smog continued to grow worse.

Suffering Angelenos, understandably impatient, offered some fantastic solutions to the problem. They

proposed that huge ventilating holes be bored through the mountains, that gaseous wastes be piped far out to sea where they might bubble harmlessly through the ocean, that airplanes lay smoke or chemical screens to burst the inversion layer, that thousands of giant fans be installed in the basin to force air upward through the inversion layer—an idea which collapsed when it was shown that all the power of all the electric utilities in the United States would be required to turn the fan blades.

Mystery Is Solved

The great smog mystery was largely solved in 1950 by Dr. A. J. Haagen-Smit, a California Institute of Technology chemist, in a brilliant piece of scientific detective work. It had long been known that automobile tires in Southern California lasted only two thirds as long as tires elsewhere; cracks appeared early in their sidewalls. Cause of this cracking, it was discovered, was ozone, a highly poisonous, unstable variety of oxygen which is ten to twenty times more plentiful in the air of Los Angeles than elsewhere in the United States. Haagen-Smit suspected that ozone might have something to do with smog, too.

Ozone can be created in a laboratory, Haagen-Smit knew, by subjecting air containing traces of hydrocarbons and nitrogen oxides to strong light. Outdoors, the celebrated California sunshine could easily provide the light. But where did the other two ingredients come from?

Haagen-Smit decided that the

hydrocarbons emanated from gasoline, some of which escaped into the air from storage tanks at the oil refineries and service stations, but most of which came from the exhausts of cars and trucks. Los Angeles has more cars per capita than any other city on earth—almost one for every two inhabitants, including babes in arms. The city's fantastic growth has long since outstripped its public transportation facilities, with the consequence that it is next to impossible to live and work in the area without an automobile. Hence 1,700 new cars appear on the streets and highways every week. And since 7 per cent of the gasoline that passes through the average automobile engine escapes through the exhaust pipe unburned—most of it on deceleration during the second or two it takes the carburetor to close off the fuel supply when a driver's foot lifts from the gas pedal—400,000 gallons of gasoline are being sprayed into the Los Angeles air every day!

Nitrogen oxides, Haagen-Smit decided, were also spewed into the air by automobile exhausts, and industrial stacks as well as by the city's back-yard incinerators. The method of trash disposal in Los Angeles is medieval. It is probably the only large city on earth which has no area-wide public waste-collection system. In most communities of the basin, private operators collect only the wet garbage and noncombustible cans and bottles, leaving the householder to burn his own newspapers, oily rags and other rubbish, which accounts for over a third of the basin's smoke. On quiet evenings, with

a million incinerators going at once, airline pilots say the residential valleys of the area look like open-mouthed volcanoes.

Haagen-Smit had shown now how ozone was created in the air. But with what did it combine to become smog? How about the excess gasoline that had not gone into making ozone? In his laboratory he poured some gasoline into a beaker, piped ozone over it and instantly the room was filled with smog—the identical eye-irritating, throat-rasping, acrid smog that Angelenos had been breathing for years. When he applied it to plants, the identical damage appeared. "It was just luck. We hit the jackpot with our first nickel," says the modest chemist.

Tempers Frayed

It might be imagined that the solution of the smog mystery, backed up by such convincing proof, would be welcomed with hosannas. Such was not the case. Smog seems to have an irritating psychological, as well as physical, effect. Officials, citizens and private interests began screaming at each other louder than ever.

An initial mistake was made in putting the air-pollution control apparatus in the hands of the elected Los Angeles County Board of Supervisors, where it became subject to patronage and political rivalries. City police have actually arrested uniformed county officials for speeding while they were in pursuit of a smoking diesel truck. Volunteer citizen groups have "picketed" and started "crusades" against smog, demanding "action," often without

specifying what kind. In Pasadena, a lovely residential community where the smog piles up worst and property values appear to be falling, air-pollution officials have been hung in effigy.

In this superheated atmosphere even Haagen-Smit was attacked. His findings were denounced as a plot by "the interests" to put the blame on the "little man's" automobile and incinerator.

Professor Haagen-Smit's explanation is no longer regarded as theory but as accepted fact by all responsible authorities—although many waited until it could be confirmed by "neutral" research laboratories in the east. Consensus of scientific evidence seems to indicate that 50 per cent of the air pollution is created by automobiles, 20 per cent by oil refineries, 10 per cent by other industries and 20 per cent by back-yard incinerators and home-heating units.

Despite the disgraceful wrangling, considerable progress is being made. Attempts are being made to restrict back-yard incineration to hours when atmospheric conditions are favorable. (Sad to relate, the discussion of public rubbish disposal bogged down when among other things a county supervisor was arraigned for perjury regarding his dealings with private garbage collectors.) Motorists are urged to share rides, and companies are organizing their employees into car pools. There is also talk of creating a rapid-transit system for the city that would further reduce automobile travel.

Perhaps the most encouraging news comes from Detroit, where the

intensely competitive automobile manufacturers have banded together again in face of an emergency as they did in 1937—when they cooperated to develop the sealed-beam headlight that helped eliminate glare—to decrease the amount of unburned gasoline that escapes through automobile exhausts. By 1958 they hope to have a solution—possibly an automatic cutoff in carburetors which will stop the flow of fuel the instant the driver takes his foot off the gas pedal, and an "afterburner" in the exhaust which will consume any unburned gasoline that may still manage to get through.

New Spirit Displayed

Oil refineries have spent millions of dollars to install vapor-recovery systems and put floating roofs on their storage tanks, thus reducing gasoline evaporation by two-thirds. Other industries are equally active, but all could do more. Perhaps the most astonishing example of the new spirit abroad in the land is provided by the Los Angeles Chamber of Commerce, once famous for the missionary fervor with which it sought to lure new industries to southern California. "New industries to which smog-control devices cannot be applied," it now says, "shall not be permitted to locate in the area."

How long will it take Los Angeles to lick its smog problem? No one will venture a prediction, except to point out that it will get worse before it starts to get better, since the area's population is expected to continue to rise rapidly. It will take bold civic planning and many millions of dollars to clear the Los Angeles sky,

perhaps involving the creation of parks to provide breathing spaces throughout the city, relocation of industries and power stations, and building of air purification plants.

Responsible community leadership has finally been provided by the Air Pollution Foundation, formed two years ago by a group of prominent citizens in an effort to unite all factions. Certainly the job could be expedited if the enforcement program, too, were put in the hands of a completely non-political agency. But perhaps that is too much to expect. "It took us 35 years to eliminate our smog," says the head of Pittsburgh's air-pollution control organization, "... 30 years to get rid of the politicians and five years to get rid of the smog itself."

The Los Angeles smog situation is not unique in the world; it is merely first. As automobile use increases and petroleum-powered in-

dustries develop, the time may come when natural ventilation will be unable to take care of any big city's air problems.

Other communities on the western edges of continents, like Lisbon, Portugal, Perth, Australia, and Lima, Peru, are facing the problem of air pollution. Crop damage identical to that caused by Los Angeles-type smog has even been found in inland cities like London, Paris, Sao Paulo and Bogota.

Some cities are taking preventive action before the smog develops, like Toronto, Canada, which sent a delegation to study Los Angeles and put some of its findings to work. Ultimately all cities must realize that air supply, like water supply, has limits, and that they cannot go on forever spewing garbage into their skies without serious consequences to their citizens.

Courts Nullify Home Rule

New York's constitutional provisions practically interpreted out of existence by judicial decision.

By W. BERNARD RICHLAND*

THE home rule story in New York can properly be characterized as the sad tale of one hundred years of popular agitation, crowned by apparent success in obtaining constitutional home rule guarantees which were quickly interpreted out of existence by the courts.

As the result of a combination of the forces of disproportionate representation in the state legislature and lack of constitutional protection of home rule, a farmer in Porter Corners or Osceola has more than twice as much say in regard to New York City taxes than has a resident of Manhattan or Brooklyn.

The city home rule provisions of the New York State constitution were intended to vest in the cities increased control over their property, their affairs and their government, extend the cities' legislative field, and exclude the state legislature from that area. They arose out of a long history of legislative abuse and were inserted in the constitution

only after the most strenuous efforts of community leaders. Yet, because of systematically narrow judicial interpretation, these provisions have failed in their purpose. The fact is that the cities of New York have little if any more constitutional home rule now than they had 50 years ago.

The city home rule provisions of the New York constitution (article IX, sections 11 and 12) seem to be written in reasonably clear terms. They provide that the legislature may act "in relation to the property, affairs or government" of cities only by general laws which "in terms and effect" apply alike to all cities. The only way in which a special law can be adopted applicable to a single city or less than all of the cities is upon the request of the individual city or cities affected and a two-thirds vote by both houses of the legislature.

Cities are given power to adopt local laws in regard to their "property, affairs and government" and in regard to certain other matters, provided only that such local laws are consistent with validly adopted laws of the state.

Notwithstanding their apparent clarity, however, these provisions have been almost totally ineffective in vesting actual legislative power in the cities or in preventing the legislature from imposing unwanted laws upon them. They have not curbed the legislature from singling out

*Mr. Richland is assistant corporation counsel of New York City. He entered the city government during the LaGuardia administration and is now chief of the Opinions and Legislation Division of the Law Department, handling the city's important home rule, fiscal and reapportionment litigation for the past ten years. This article is based on Mr. Richland's study of New York's home rule experience, "Constitutional City Home Rule in New York," *Columbia Law Review*, March 1954 and May 1955.

New York City for the imposition of immense fiscal burdens, from cutting down its taxing power and its power to finance its operations. Nor have they been effective to prevent the legislature, against the will of the city, from dealing as it chose with city-owned properties purchased at a cost of billions of dollars and taking from the city the power to deal with matters vitally affecting its growth and economic life.

Little Home Rule Left

Thus, although to the reader of the New York constitution, it *looks* as though cities have a great deal of constitutional home rule, in actuality they have little. For in New York, as in many other states, home rule has suffered from judicial interpretation by courts, state-minded in their attitudes and burdened by notions of state sovereignty which seem to be deep-rooted and pervading. So far have the courts gone that they have not only refused to give the words in the home rule provisions of the constitution their plain meaning, but have frankly stated that these words are not to be read in their *Webster's Dictionary* sense but "with a Court of Appeals definition."¹ Curiously enough, this doctrine has existed notwithstanding the repeated judicial declaration that, in construing the New York constitution, courts must seek "the meaning which the words convey to an intelligent, careful voter,"² a rule which would seem to be particularly applicable to constitu-

tional provisions founded upon popular and well publicized agitation.

The struggle for home rule in New York State is an aspect of the contest for power which has been going on for more than a century between New York City, dominated by one political party, and the rural areas of the state, dominated by the other. New York City contains more than 53 per cent of the state's population. Yet its representation in the legislature is approximately 43.1 per cent in the Senate and 43.4 per cent in the Assembly. In the last apportionment of Senate districts we find the following typical condition: Several Senate districts in New York City have one senator for 344,540 citizens. The representation of the upstate districts ranges from one senator for 200,560 citizens down to one for 146,666.

Such has been the state of affairs from earliest times. A variety of devices, from real property qualifications to outright gerrymandering, have been used to maintain a balance of legislative power in favor of the rural communities and to the disadvantage of the city of New York.

Rural opposition to cities, and to New York City in particular, is embedded in New York history. Chancellor Kent, in the 1821 Constitutional Convention, opposed a grant of the franchise to non-property owners, most of whom lived in New York City, on the ground that "universal suffrage jeopardizes property and puts it in the power of the poor and the profligate to control the affluent." And, with what at this date would seem crass cynicism, he ob-

¹ *Adler v. Deegan*, 251 N. Y. 467, 167 N.E. 705 (1929).

² *Kuhn v. Curran*, 294 N.Y. 207, 61 N.E.2d 513 (1945).

served: "The poor man's interest is always in opposition to his duty; and it is too much to expect of human nature that interest will not be consulted."

Even as late as the 1894 Constitutional Convention, the same attitude was manifested. One rural delegate, in opposing home rule for the cities, referred to New York City's population as "a sewer of ignorance and corruption flowing in upon it from foreign lands."

Notwithstanding rural animus against New York City, a degree of home rule was written into the 1894 constitution. It provided for a suspensory veto of laws affecting the "property, affairs or government" of a particular city or less than an entire class of cities. Under this provision, the legislature could adopt such a law and transmit it to the mayor of the city, who would then have an opportunity to approve or disapprove it. The legislature had full power to repass the bill by a majority vote, even in the event that the mayor disapproved the bill.

Notwithstanding the modest nature of this grant of home rule, the courts gave it a narrow interpretation which presently reduced it to such a degree that the mere characterization of cities included in a class as "cities of over one million inhabitants" was accepted by the courts as a proper device to take laws out of the constitutional provision. This familiar rubric was used repeatedly, with utter frankness and without an attempt to disguise the fact that its actual purpose was to limit the application of laws to the

city of New York, which alone had a population of over one million—no other city in the state even approaching that size.

In 1924 the first real home rule amendment to the constitution was adopted. Its provisions were entirely new, except that it copied from the 1894 constitution what later turned out to be the fateful words, "property, affairs or government." The amendment prohibited the legislature from passing any law relating to the "property, affairs or government" of cities which were special or local "either in its terms or effect," without an emergency message from the governor and the concurrent action of two-thirds of the members of each house of the legislature. At the same time, cities were authorized to adopt local laws not inconsistent with the laws of the state relating to certain municipal affairs.

A Heavy Blow

Within five years after the home rule amendment was adopted, a blow was struck from which home rule in New York State has never recovered. In *Adler v. Deegan*, (*supra* footnote 1), the Court of Appeals upheld the validity of the Multiple Dwelling Law which, although applicable only to New York City, was adopted by a bare majority vote of the legislature without compliance with home rule requirements. The court nevertheless determined that the subject of building regulations in regard to dwellings was a matter of "state concern" and did not come within the purview of the term "property, affairs or government" of the city, notwithstanding that the city had for

more than a generation adopted building regulations dealing with tenements. The court laid down the rule that matters of "state concern"—a term undefined in any law and appearing nowhere in the constitution—were not comprehended within the term "property, affairs or government" of cities and were therefore subject to unlimited legislative control.

Under this unfavorable judicial doctrine, city sewer and water supply systems have been held to be matters of state concern as have also the operation of a municipally-owned transit system, the taxing and indebtedness powers of cities, and even the licensing of plumbers and theatre ticket agents. In all these areas, the legislature is free to enact discriminatory special laws, without compliance with home rule requirements.

Home Rule at Low Ebb

By 1938, home rule had reached a low ebb and the Constitutional Convention addressed itself to that area. Unfortunately for home rule, the convention found both rural and urban representatives allied to prevent the expansion of home rule, and former home rule enthusiasts from New York City became state sovereignty advocates devoted to the doctrine of state concern. The reason for this probably lay in the circumstance that Mayor La Guardia was running New York City and the delegates seemed to regard control of the city by a state legislature of any political complexion preferable to control by La Guardia.

The result was that a proposed amendment to the home rule article

designed to expand home rule powers was abandoned. The only substantial change in the home rule provisions was the substitution of a city request for the governor's emergency message. However, the two-thirds vote requirement of the old home rule provision, necessary to prevent discrimination when the city was not required to be consulted, was nevertheless retained.

With the court-made law thus frozen into the constitution, home rule, since the 1938 Constitutional Convention, has fallen upon its leanest years. The concept of "state concern" has been so vastly expanded that little is beyond its limits. The area of city immunity from discriminatory legislation interfering in its affairs has narrowed nearly to the vanishing point. In short, home rule has reverted to its pre-constitutional status of a political matter dependent upon the expediency of the moment. Under a strong mayor in New York City, home rule prospers. Under a strong governor or a weak mayor, home rule is ignored by the legislature or, at best, used as a political reason for imposing burdens on the city.

From 1938 to 1953 there was accumulated a weight of legislative and judicial precedent which was to cause the final collapse of city home rule, and in 1953 a series of laws were enacted which fairly spitted the already moribund ideal of municipal autonomy. By that year, spiralling costs of government had brought New York City to a fiscal crisis. A constitutional amendment was in the offing authorizing an increase in its

real estate tax rate, the basic source of its revenue. In order to force the city to give up its municipal transit system on which it had spent more than \$1,300,000,000, and which had 45,000 city employees, the legislature provided that unless the city handed over the transit system to a state agency, empowered to operate and expand the system and incur city indebtedness of more than \$575,000,000 over a ten-year period, the city would not get the benefit of the increased tax rate nor the benefit of a proposed payroll tax, and that its fiscal powers in regard to borrowing moneys for certain purposes would be taken away from it.

In addition, there was taken from the city important means of temporary financing through short-term indebtedness. So far did the legislature go that it prohibited New York City, alone among all those in the state, from borrowing to pay unanticipated claims and judgments—a measure which more than tripled interest costs upon this item. This series of laws was upheld by the courts, even though they were not adopted in compliance with home rule requirements.³ The courts, in effect, said that transit, taxation and indebtedness were all matters of “state concern” and did not involve the “property, affairs or government” of the city in the constitutional sense.

In 1952 and 1953, the legislature also took advantage of the provisions of the home rule amendment in regard to matters clearly of local con-

cern—the succession of its elected officers and the operation of its pension systems—by enacting “general” laws dealing with these subjects, purportedly applicable to all cities, the impact of which was felt particularly and designedly by the city of New York.

The failure of constitutional city home rule in New York is attributable to several factors: (1) opposition in constitutional conventions and the legislature of representatives of rural areas anxious to keep control over cities in the hands of the dominant political party of which they are members; (2) the timidity of home rule advocates too easily frightened by the terms “*imperium in imperio*” and “matters of state concern,” and too willing to accept less than a reasonable measure of municipal autonomy; (3) restrictive interpretation by the courts which have refused to apply the normal and accepted meaning to reasonably clear terms.

Good Reasons for Home Rule

The reasons for home rule are as valid today as they were one hundred years ago, and the struggle toward that ideal still continues. The absence of clear constitutional protection is an open invitation to abusive legislation. We have already seen New York City shorn of its properties and deprived of essential powers of government and must recognize that, unless a substantial change is made in the constitution, the legislature is likely to continue in the pattern laid down. The objectives of home rule can be simply stated in constitutional provisions,

³ *Salzman v. Impellitteri*, 305 N.Y. 414, 113 N.E.2d 514 (1953).

but only if they will be reasonably construed by courts sympathetic to the home rule ideal. The encouraging experience of California is a notable example of this.

It is obviously necessary to amend the New York constitution so as to limit the doctrine of state concern and restrict its application to matters of no particular concern to the localities. While no city needs or wants power to deal with divorce laws or the descent and distribution of property, a city should be protected against discriminatory legislation which directly affects its pocketbook or hampers it in its powers of government, particularly in the area of taxation and the incurring of debt for city purposes. The two-thirds rule of the present constitution is obviously of no use to a city, since not only is its protection not needed when a city requests special legislation, but its existence makes the enactment of such legislation extremely difficult. Finally, constitutional home rule provisions predicated on the view that all cities must be dealt with alike ignore the essential matter of size. Manifestly, a city of 2,000 has needs and capacities disparate from those of a city of 8,000,000.

Unfortunately, it seems to be assumed that a community, however large in population, however great in

resources, however well integrated in culture, and whatever the quality of its population, is unfit to govern itself if it is a city. If a community is called a state, regardless of how small its population, how comparatively insignificant its resources, how recent its creation, and how lacking it is in cultural institutions, it is, nevertheless, accepted as an unquestioned principle that it should be self-governing in all respects. This notion obviously needs re-examination.

Strange Situation

At any rate, it is difficult to accept without question the circumstance that New York City, with a population almost as great as that of the continent of Australia and greater than that of all but four of the United States, with a budget larger than that of any state, with vast economic and cultural resources, well staffed and active community organizations, crusading newspapers and a government the legislative branch of which is in session all year round and the members of which receive salaries equal to those of state senators, should be regarded as too politically immature to govern itself and less competent to deal with its municipal problems than the small chartered cities of California.

Unrepresentative States

From 1937 to 1955 legislatures' representativeness declined in more than three-quarters of the states.

By MANNING J. DAUER and ROBERT G. KELSAY*

THE problem of apportionment of our state legislatures is receiving increasing attention as the growth of American urban population continues. The importance of the issue is emphasized by the report of the Commission on Intergovernmental Relations.¹ As matters now stand, the report points out, "Paradoxically enough, the interests of the urban areas are often more effectively represented in the national legislature than in their own state legislatures".²

A number of studies of apportionment in individual states, of the methods of apportionment employed, and of the general problem of rural-urban representation have been made.³ Until now, however, no

study has included an up-to-date index of representation showing the extent of the apportionment problem in all 48 states.⁴ That is the subject of the study discussed here, the results of which are shown in the accompanying tables.

The basic assumption of the study is that a legislature which does not equably represent the people of the state contains an innate weakness which limits the effective functioning of that government on many types of problems. It is assumed further that a measure of the representative character of the legislatures can be achieved by determining the smallest percentage of a state's population which could theoretically elect a majority of the lower house and a corresponding figure for the upper house under present district boundaries.

The resulting percentages allow the arrangement of the states in rank order from most representative to least representative. The figures for the upper house of each state are presented in Table I and those for

chapter 3, "Representation and Apportionment", pages 30-45; *American State Legislatures: Structure and Procedures, Preliminary Report*, Chicago, Council of State Governments, 1953.

⁴ The most recent attempt at such an index appeared in the *New Republic* for August 22, 1955: Gus Tyler, "The Majority Don't Count," *New Republic*, Vol. 133, No. 8, pages 13-15. Population data is from 1930 federal census with legislative districts as of 1937.

* Dr. Dauer is head of the Department of Political Science at the University of Florida and Mr. Kelsay is an instructor in political and social sciences at the same institution. Dr. Dauer, author of *The Adams Federalists* (1953) and contributor to magazines in his field, is immediate past president of the Southern Political Science Association.

¹ *A Report to the President for Transmittal to Congress*. Washington, D. C., Government Printing Office, June 1955.

² *Ibid.*, page 40.

³ Gordon E. Baker, *Rural v. Urban Political Power*. Garden City, New York, Doubleday, 1955; "Legislative Reapportionment" (A Symposium), *Law and Contemporary Problems*, Spring, 1952, pages 253-469; Kenneth C. Sears, *Methods of Reapportionment*, Chicago, University of Chicago Law School, 1952; Belle Zeller, editor, *American State Legislatures: Report of the Committee on American Legislatures*, American Political Science Association, New York, Crowell, 1954,

TABLE 1^a
1955 AFFORTIONMENT OF UPPER HOUSES OF STATE LEGISLATURES

Rank Order	State	Minimum Percentage of Population Needed to Elect Majority	Average Population Per Senator	Smallest Population Per Senator	Largest Population Per Senator
1	Massachusetts	48.76	117,263	92,216	164,334
2	Missouri	47.37	116,313	87,559	148,999
3	Arkansas	46.95	54,557	43,114	65,562
4	Wisconsin	46.53	104,078	73,301	128,970
5	West Virginia	45.68	62,672	30,646	119,814
6	Vermont	45.67	12,592	3,406	17,027
7	Kentucky	45.19	77,495	51,992	104,254
8	New Hampshire	44.75	22,218	12,051	34,368
9	Virginia	43.93	82,967	55,637	135,449
10	Oregon	42.18	50,711	26,317	67,362
11	Nebraska	41.88	30,826	21,579	40,998
12	New York	40.91	244,887	146,666	344,547
13	South Dakota	40.85	19,198	10,450	35,455
14	North Carolina	40.09	81,239	48,375	191,057
15	Maine	39.71	27,690	16,052	42,300
16	Indiana	39.25	78,684	39,592	122,717
17	Texas	36.80	248,748	136,756	806,701
18	Connecticut	36.50	55,758	24,309	122,931
19	Colorado	36.12	37,860	15,931	59,194
20	Minnesota	35.93	44,513	16,878	153,455
21	Pennsylvania	35.44	209,960	78,181	442,516
22	Washington	35.44	51,717	18,839	130,635
23	North Dakota	35.36	12,909	5,405	39,933
24	Mississippi	34.59	44,468	17,869	96,910
25	Louisiana	34.07	78,927	25,326	200,945
26	Iowa	33.94	52,421	21,173	226,010
27	Kansas	33.67	47,631	20,381	240,785
28	Tennessee	33.26	99,748	43,392	208,255
29	Michigan	32.34	187,405	61,008	396,001
30	Oklahoma	29.45	50,758	15,898	251,286
31	Illinois ^b	29.42	150,210	17,063	383,803
32	Wyoming	28.77	11,174	2,481	23,831
33	Alabama	28.26	87,478	18,018	558,928
34	Georgia	26.89	63,788	16,237	473,572
35	Utah	26.75	27,554	9,642	45,815
36	South Carolina	26.57	46,022	9,577	168,152
37	Delaware	22.70	18,711	3,496	57,179
38	Ohio	20.68	240,807	52,455	1,389,532
39	New Mexico	20.07	21,974	3,013	145,673
40	Arizona	19.30	26,735	8,510	330,770
41	Idaho	19.05	13,379	918	70,649
42	Montana	18.40	10,554	1,026	55,875
43	Florida	17.67	72,929	10,413	495,084
44	New Jersey	17.01	230,254	34,423	905,949
45	Maryland	15.52	80,793	12,272	269,362
46	Rhode Island	13.53	19,315	732	55,060
47	Nevada	12.36	9,417	614	50,205
48	California	11.88	264,656	14,014	4,151,687
49	Georgia (Primary)	5.96			

^a Populations of legislative districts are taken from the 1950 federal census. District data are latest available in state statutes or obtainable from state officials.

The districts for the legislative house being studied were arranged in order from

the lower house in Table II. A study of these tables reveals a definite correlation between the percentage figure and the difference between the district having the smallest ratio of population per representative and that with the largest ratio of population per representative.

A comparison of the figures in Tables I and II with those in the tabulation for 1937 shows that the situation is growing worse in most of the states.⁵ Some have improved markedly, Missouri and Illinois for example, but most of the states have failed to adjust to the increase in population and the urbanization of population. The state-by-state comparison shows that only ten of the 48 states have improved the representative nature of their upper houses. The remaining 38 have declined in representativeness. Similar figures for the 46 states on which data are available for lower houses show that only eleven have higher

majority than in 1937, while 35 have lower percentages for 1955 in comparison with 1937. In many cases the decline in percentage electing the house is after reapportionment measures have been adopted by the states in question following both the 1940 and 1950 censuses.⁶

Some flagrant examples of changes in this period are found in Table III.

Ranking of States

To get a single index of the representative nature of the entire legislative body, i.e., the representativeness of the two houses combined, one may compare the relative rankings of each house for a state in Tables I and II. If this is done, in descending order from the top, Massachusetts, Virginia, Oregon, Wisconsin and West Virginia rank highest. At the bottom, and again in descending order, are Connecticut, Maryland, Delaware, Nevada and Florida.

⁵ Cf. table of recent reapportionments by states in Zeller, editor, *American State Legislatures*, page 45, and supplementary data from later state statutes.

⁶ Ibid.

smallest to largest population per representative. The total population of the districts with the smallest ratio were added until that number of representatives was reached which would give a majority. This sub-total was then divided by the total population of the state, thus giving the smallest percentage which might elect a majority. In the case of New York State, aliens were omitted throughout as the apportionment law provides.

One problem is that some states have multiple-member districts. Since the purpose of this data is to give the minimum percentage of population necessary to elect a majority, the authors chose to use the ratio of population to representative rather than the total population of the district. Illinois has cumulative voting. This permits minorities in a three-member district to concentrate all three votes on one candidate. Illinois as calculated in the accompanying tables does not take this into account.

Georgia appears twice in Table I for the Senate. For the general election her rank order is 34th, but for the more significant primary election her rank order is 49th. Georgia law provides in the primary for rotation of the vote in multi-county districts, with only a single county voting in a given election. The percentage figure represents the total population of those counties voting in the 1952 primary divided by the state population. It might differ at other elections.

The authors are indebted to many persons for data. They regret the list is too long to publish.

^b Illinois figures are based on new reapportionment act effective 1957.

TABLE II^a
1955 APPORTIONMENT OF LOWER HOUSES OF STATE LEGISLATURES

Rank Order	State ^b	Minimum Percentage of Population in Districts Needed to Elect Majority	Average Population Per Representative	Smallest Population Per Representative	Largest Population Per Representative
1	South Carolina	46.72	17,073	9,577	23,173
2	Illinois	46.02	49,221	39,809	68,665
3	Oregon	45.42	26,230	12,740	48,313
4	California	44.70	132,527	62,512	— ^c
5	New Jersey	43.95	80,589	34,423	135,910
6	Virginia	43.69	33,187	14,057	82,233
7	Michigan	42.29	57,925	32,469	94,994
8	Massachusetts	42.15	19,544	2,870	28,675
9	Pennsylvania	41.63	49,991	4,944	77,106
10	Idaho	41.53	5,401	918	14,629
11	Montana	40.80	6,287	1,026	10,366
12	Wyoming	39.92	5,188	2,481	7,943
13	Texas	39.85	51,408	29,192	100,850
14	Maine	39.12	6,051	2,372	11,090
15	North Dakota	39.02	5,484	3,180	16,609
16	Utah	38.99	10,934	364	16,768
17	Wisconsin	38.87	34,346	14,355	56,554
18	West Virginia	38.87	21,335	5,119	37,540
19	South Dakota	38.73	8,703	3,319	21,044
20	Kentucky	37.59	29,448	12,890	104,254
21	Arkansas	37.52	19,095	6,680	36,614
22	New Hampshire	37.40	1,336	16	2,179
23	New York	37.06	95,374	14,182	167,226
24	Indiana	36.95	39,342	15,674	68,353
25	New Mexico	35.67	12,385	4,360	63,413
26	Colorado	34.67	20,386	7,520	55,687
27	Rhode Island	34.17	7,919	732	14,810
28	Washington	33.87	24,030	9,419	65,317
29	Oklahoma	33.38	18,457	4,589	46,479
30	Mississippi	32.67	16,383	4,966	57,737
31	Minnesota	31.56	22,767	7,290	107,246
32	North Carolina	30.16	33,849	5,048	71,220
33	Tennessee	30.13	33,250	3,948	75,134
34	Iowa	29.34	24,269	8,753	56,502
35	Ohio	29.19	59,303	10,759	99,610
36	Nevada	28.82	3,406	614	5,991
37	Maryland	27.57	19,049	6,136	44,894
38	Alabama	27.15	28,884	8,027	79,846
39	Georgia	26.30	16,803	2,494	157,857
40	Louisiana	25.61	33,544	6,244	176,547
41	Missouri	23.71	25,189	4,777	47,599
42	Kansas	22.59	15,242	1,925	80,262
43	Delaware	19.40	9,088	1,321	35,762
44	Florida	17.19	29,171	2,199	165,028
45	Vermont	12.58	1,505	1 ^d	33,155
46	Connecticut	9.59	7,195	130	88,699

^a For source see Table I, footnote a.

^b Arizona is omitted from this table because apportionment is by separate county boards based on votes cast in preceding gubernatorial elections. Population figures of electoral districts were not available. Nebraska, having a unicameral legislature, is represented only in Table I. New Mexico adopted an amendment changing its apportionment.

TABLE III
EXAMPLES OF CHANGES IN PERCENTAGES OF POPULATION ELECTING MAJORITIES
IN STATE LEGISLATURES
1937 AND 1955

State	Chamber	1937 Percentage Electing Majority	1955 Percentage Electing Majority
New Hampshire	Senate	50.6	44.7
	House	50.2	37.4
Delaware	Senate	21.7	22.7
	House	32.9	19.4
Connecticut	Senate	44.9	36.5
	House	8.7	9.6
New York	Senate	43.9	40.9
	House	51.9	37.1
Nevada	Senate	26.6	12.4
	House	18.6	28.8
California	Senate	12.5	11.9
	House	47.6	44.7
Florida	Senate	26.1	17.7
	House	23.5	17.2
Maryland	Senate	18.1	15.5
	House	33.6	27.6

There are recognized limitations to this method of ranking the states, however. One house that is considered to be truly representative does not necessarily offset a most unrepresentative second house. A state with reasonably adequate representation in both houses might rank approximately the same. But legislation affecting urban areas, for example, might have a relatively easier chance of passage in the latter case than in the former, which raises some doubt as to the validity of such rankings. Nevertheless, this combined ranking probably does have some validity at least for the states at the top and bottom of the scale.

Certain generalized observations can be made as to why a state is high or low in the listings. The worst

situations exist in those states where a constitutional or statutory limitation sets a rigid system which recognizes some unit of local government as the basis of representation, such as the town or county. Connecticut, for example, elects at least one representative from each town, while in Nevada one senator is elected from each county.

Along with using a local unit as an area of representation, some states ranking low establish rigid representation ratios. In these instances no one unit can have more than a certain number of legislators, thereby disregarding the relative difference in size between the largest and smallest units. Thus the Florida constitution establishes a ratio of three to one

(Continued on page 587)

tionment after this compilation was completed. See the REVIEW, November 1955, page 519.

^c Not available.

^d Every Vermont town is entitled to a representative. Glastonbury Town has a population of only one. However, the town of Victory, with a population of 49, is the smallest actually represented.

News in Review

City, State and Nation

Edited by H. M. Olmsted

Manager Plan Passes Others

Now in Majority in
Cities Over 25,000

WITH the adoption of the council-manager plan in November by eight cities, more cities over 25,000 population had this form of government than any other. Five earlier adoptions qualified for the official list.

BROCKTON, MASSACHUSETTS, (1950 population 62,860) voted on November 8 to adopt council-manager Plan D by a margin of about 2,000 votes. The first plan D election will be held in 1957.

A council-manager amendment was adopted by the voters of ZANESVILLE, OHIO, (40,517) on November 8, 6,833 to 3,561.

GLADEWATER, TEXAS, (5,305) voted on October 18 to abandon the commission plan in favor of a council-manager charter. The vote at the special election was 742 to 530. The new plan takes effect on April 19, 1956. A seven-member council will replace the three commissioners. The manager plan had been strongly advocated by the Chamber of Commerce. Largely as a result of its efforts a charter commission was appointed by the city commission and drafted the charter which has been adopted.

NEWTON, NEW JERSEY, (5,781) voted on November 8 to adopt the council-manager plan under the state optional law. The vote was 1,231 to 799. Newton has had a town committee form of government for 91 years. A council will be chosen at a special nonpartisan election on May 8, 1956, and will choose one of its number as mayor. Members will take office July 1, 1956. Newton also voted to

place municipal employees under civil service.

LIVINGSTON Township, in Essex County, NEW JERSEY, voted 3,935 to 1,043 on November 8 to replace the existing township committee form of government by the council-manager plan, effective January 1, 1957.

PEQUANNOCK Township, in Morris County, NEW JERSEY, adopted the council-manager plan in place of its 215-year-old township committee charter, by a vote of 991 to 986. The new plan provides for partisan elections, with candidates to be nominated in the 1956 primaries, for staggered terms. Five councilmen will be elected in 1956 to take office in January 1957.

HOWELL, MICHIGAN, (4,353) adopted the state's optional manager plan law on November 8, 512 to 288.

EUSTIS, FLORIDA, (4,005) adopted the council-manager plan, 529 to 188, on November 15.

Since October 1 the International City Managers' Association has added the following communities to its list of council-manager places: MESA (16,790) and PEORIA, ARIZONA; DEERFIELD BEACH (2,088) and EAU GALLIE (1,554), FLORIDA; and GARDEN CITY, MICHIGAN, (9,012).

An advisory vote in MONTPELIER, VERMONT, in October favored the council-manager plan 440 to 152. It is expected that a charter amendment to establish the plan will be submitted to the voters in March. Montpelier formerly had the manager plan.

QUINCY, MASSACHUSETTS, voted 14,378 to 12,851 to replace its council-manager Plan E government by the mayor-council Plan A, to take effect in January 1958. There is now a council of seven members. It is expected that there will be nine in

1958, as in 1950, before Plan E. At that time six councilmen were elected from wards and three at large.

PREESKILL, NEW YORK, defeated a proposal for a study of the council-manager plan but approved a proposal for a commission to study possible revisions of the city's charter.

Voters of OSSINING, NEW YORK, turned down the council-manager plan on November 8, 1,836 to 1,342.

EWING TOWNSHIP, in Mercer County, NEW JERSEY, defeated a proposal to adopt the council-manager plan, under the state optional law, 3,688 to 2,463. The borough of MAYWOOD, in Bergen County, also rejected a council-manager proposal, 1,793 to 1,230.

BLOOMFIELD, NEW JERSEY, voted affirmatively, 6,039 to 4,038, on the question, "Shall the post of town administrator be created, and shall terms of mayor and councilmen be extended from two to three years?" The voters also decided, 6,291 to 3,656, to change the present system of electing two councilmen from each of three wards to election of three councilmen by wards and three at large.

ROCKAWAY TOWNSHIP, in Morris County, NEW JERSEY, voted 754 to 631 to form a five-member charter study commission. The proposal, advocated by the nonpartisan Citizens' League, had twice been disapproved by the township committee and was finally placed on the ballot by petition.

The WESTMONT, PENNSYLVANIA, borough council is studying the manager plan and its operation in other towns and boroughs, with a view to possible adoption of the plan.

A proposed council-manager charter for ORMOND BEACH, FLORIDA, was rejected 770 to 506 at an election on October 27. The total registration was 2,313.

SHAKER HEIGHTS, OHIO, witnessed the paradox of a defeat of a proposed council-manager plan, 6,069 to 5,661, but the election of a pro-manager mayor, W. G.

Stapleton, 6,905 to 5,039, and of pro-manager candidates to all seven council seats. Mr. Stapleton expects the proposed council-manager amendment to the charter to be restudied and resubmitted.

PORTSMOUTH, OHIO, retained the council-manager plan on November 8 by a vote of 6,133 to 5,719.

GENOA, OHIO, rejected a council-manager proposal on November 8 by a vote of 424 to 196.

The city council of TOLEDO, OHIO, which has had the council-manager plan since 1936, authorized Mayor Czelusta on October 10 to appoint a seven-member commission to study the city charter and make suggestions to the council and its charter revision committee. Proponents of the motion favor a change to the strong-mayor plan of government. The motion provided that the commission include one member from each of the two major political parties.

In HUNTINGTON, WEST VIRGINIA, the All Huntington Association has been organized on a nonpartisan basis to further the preparation and adoption of a council-manager charter and to support the manager plan after adoption. It is estimated that the necessary steps could take until mid-1957 or later.

A bill passed by the ALABAMA legislature and signed by Governor Folsom in September permits BIRMINGHAM voters to petition for an election to change from the commission plan of government to either the council-manager or the mayor-council form. Ten per cent of the qualified voters could force an election to be held. At present no movement to take advantage of the law is apparent.

A council-manager charter has been drafted for the newly incorporated city of TROY, MICHIGAN, by a charter commission and is to be voted on in December.

A movement is under way in GREENVILLE, ILLINOIS, for adoption of the council-manager plan.

The village board of ARLINGTON

HEIGHTS, ILLINOIS, voted four to two on September 21 to abandon the manager plan that had been adopted by ordinance in 1954.

FAIRFIELD, IOWA, voters, on November 8, voted against adoption of the council-manager plan, 1,525 to 550.

Citizens of FLAT RIVER, MISSOURI, are interested in securing the council-manager form of government for their city.

In GRAND ISLAND, NEBRASKA, the council-manager plan, which has been in effect since 1950, was abandoned by the voters, 3,690 to 2,106, on September 27. The city reverts to the former mayor-council plan. Various transitional problems are presented, particularly as that plan called for overlapping terms for councilmen.

At a special election on September 27 in LEADVILLE, COLORADO, a proposal of the mayor and city council to adopt the council-manager plan was defeated 789 to 89. The total number of citizens eligible to vote was 1,253.

Voters of KODIAK, ALASKA, recently decided almost two to one to retain the council-manager plan. The unanimously reelected city council was on record as supporting the plan.

The 41st annual conference of the International City Managers' Association, held at Bretton Woods, New Hampshire, October 5-8, was attended by 771 people, of whom 386 were managers. Russell E. McClure, manager of Corpus Christi, Texas, was elected president. Six managers were awarded 25-year service certificates. The executive board took steps towards selection of a successor to Executive Director Clarence E. Ridley, who has announced his intention to retire on June 30, 1956. The next conference is scheduled to begin on September 16, 1956, at Banff, Alberta.

Des Moines Votes to Annex Large Area

Voters of Des Moines, Iowa, on November 8 approved a proposal to annex

about seven square miles, with a population in excess of 12,000, in Bloomfield Township. This would be the first annexation in 65 years except for airport property in 1954. The city's present area is 54.8 square miles. The annexation requires the approval of the district court.

Survey Coordinator Appointed for Chicago

Mayor Daley of Chicago has appointed Fred K. Hoehler, former state director of welfare and later executive director of Citizens of Greater Chicago, as city coordinator of studies, surveys, system procedure and personnel. His duties include the correlation of various surveys that have been made in Chicago dealing with municipal functions and a study of the extent to which worthwhile proposals resulting from them have been adopted.

Chicago's 1955 budget contained a \$25,000 appropriation for three members of an advisory board in the mayor's office, at \$50 a day. Such an advisory group had been recommended by the Chicago Home Rule Commission. Mr. Hoehler functions as a part-time consultant under this arrangement. His first topic for investigation, at the request of the mayor and the president of the Civil Service Commission, is the personnel system, with emphasis on training methods.

Richmond, Cal., Celebrates Golden Anniversary

During the first week in October the city of Richmond, California, conducted a varied celebration of its attaining the age of 50 years—35 of which have been under the council-manager plan. In that period it has had only three managers; the present one, Edwin S. Howell, was appointed in 1954.

Community organizations and business concerns cooperated in the celebration. Outstanding events included the first public "atomic show" in the United States

featuring "atoms for peace" exhibits, city government open house, an all-service-clubs Olympic games national "kick-off" luncheon, the largest parade in the city's history, and an overflowing reunion dance of Richmond High School graduates.

Of additional interest was the fact that a large area had been annexed to the city just before the anniversary. Announcements of the city government's week of open house, together with a letter from Mayor John J. Sheridan welcoming the new citizens and inviting them to the celebration, were distributed from door to door in the new area.

Merging Police and Fire Service Shows Benefits

Advantages of combining police and fire services are set forth in a new 84-page publication of Public Administration Service, written by a staff member, Charles S. James. While the author says that "the advantages of integration of the two services are more plainly visible and more easily realized in small cities than elsewhere," he also states that "it is likely that all police and fire agencies can be improved in some measure by closer association with each other."

Cities that now have combined police and fire services include five that never did have the traditional forms: Oakwood, Ohio; Sewickley Heights, Pennsylvania; and Huntington Woods, Grosse Pointe Shores and Grosse Pointe Woods, Michigan. Five other cities have more recently undertaken the integration of existing separate departments: Sunnyvale and Buena Park, California; Oak Park, Michigan; North Augusta, South Carolina; and Glencoe, Illinois. Nome, Alaska, also has one police and fire chief.

Several small cities are now considering such a move. Among them are three villages in Wisconsin: Fox Point, Whitefish Bay and Shorewood.

914 Municipal Authorities in 20 Years in Pennsylvania

From the enactment of the Pennsylvania Municipal Authorities Act in 1935 until June 1, 1955, charters had been issued to 914 authorities—some of which are not currently active. The purposes for which they were formed are as follows: school, 434; water, 148; sewer, 104; water and sewer, 17; parking, 37; housing, 23; airport, 15; miscellaneous, 136.

In the ten months prior to June 1, 81 authorities were chartered. They are scattered through 36 of Pennsylvania's 67 counties. More than half are for school purposes. Municipal authorities issued \$611,149,273 of bonds during the 20 years—\$122,317,000 of this in the last ten months of the period.

Minnesota League Holds 17 Regional Meetings

The annual fall series of regional meetings of the League of Minnesota Municipalities included eleven meetings in September and six in October. The first was in Warren on September 14, with more than 100 in attendance. A regional team of league and state department personnel was present. Dean Julius Nolte, of the Extension Division, University of Minnesota, joined the team on two occasions. State departments and agencies represented at the meetings included highways, aeronautics, health, civil defense, the Youth Conservation Commission, public examiner, liquor control and water pollution control.

Michigan League Holds First Annual Report Contest

The Michigan Municipal League, at its 1955 convention in September, inaugurated its first annual report contest, open to all incorporated cities and villages in the state. Five population groups were established; 46 reports from these were entered in the contest. Royal Oak, Mid-

land, Oak Park, Marysville and Roosevelt Park were the first-award winners in their respective groups. The reports were passed upon by three judges independently: Professor Arthur W. Bromage of the University of Michigan; Carl H. Chatters, city comptroller of Chicago; and Thomas R. Reid, director of civic affairs, Ford Motor Company, Dearborn.

New York Voters Defeat Half of Amendments

Out of ten proposed constitutional amendments¹ acted on by New York State voters on November 8, only five were approved. The voters were apparently in an unusually negative mood; for in the last twenty years all but eight of 64 proposed amendments to the New York constitution have been adopted.

The amendments adopted broaden absentee voting rights, expand the functions of the state controller as to equalization of assessments, bar certain judges from running for non-judicial offices while members of the bench, increase annual low-rent housing subsidies from \$25,000,000 to \$34,000,000, and authorize construction of sewage systems jointly by neighboring communities.

Two of the rejected amendments would have meant large increases in state and municipal debt, and in taxes. One of these was for a \$750,000,000 state bond issue for highway construction, to be financed by an increase of two cents in the gasoline tax and three cents in the diesel fuel tax. It lost by a ratio of about seven to five. The other would have authorized local communities to remove from the debt limit indebtedness for past and future sewer and sewage disposal construction. It lost by about four to three.²

Losing by about five to two was the effort to authorize the Panther Mountain Dam, which would have flooded a small part of the Adirondack Forest Preserve. Two amendments to empower the governor to appoint temporary judges were also defeated.

In addition to the amendments, a proposition to permit state loans up to \$50,000,000 to private limited-dividend companies for middle-income housing was voted upon. Present indications are that it was adopted by a small margin.

The total vote at the election was relatively small for the state. Particularly in New York City there were few offices at stake. The number of the amendments invited considerable criticism as being too large and including matters with which the constitution should not be concerned.

Ohio Rejects Broad Unemployment Benefits

At the November 8 election Ohio voters refused to authorize increases of some 50 per cent in unemployment insurance benefits, to be supplemented by allowances of industries to laid-off workers, approximately 1,440,000 to 860,000. The proposal was similar to the so-called guaranteed annual wage arrangements of the Ford Motor Company and General Motors Corporation.

Kentucky Lowers Voting Age to 18

An amendment to the Kentucky constitution, making 18 years the minimum age for voters, was approved on November 8 by a vote of about 193,000 to 108,000. It becomes effective upon certification of the vote. It is estimated that between 150,000 and 200,000 Kentuckians between the ages of 18 and 21 will thereby obtain the right to vote. Kentucky follows Georgia in adopting the 18-year age.

¹ See the REVIEW, June 1955, page 307.

² See also page 588, this issue.

N. H. Legislature Takes State, Interstate Action

The 1955 regular session of the New Hampshire General Court, largest state legislature in the United States (399), considered a record number of bills and established a record in number of enactments, according to *State Government*. Besides adopting a wide variety of state laws it ratified the Interstate Compact on Juveniles and the New England Higher Education Compact.

Among the new laws are acts providing for a constitutional convention in 1956, increasing state aid to education, permitting integration of the state retirement system with federal social security, broadening coverage of the armed forces absentee voting law, and approving a bonus for Korean war veterans. Restrictions were made more stringent on political campaign spending. An Industrial Development Authority to aid industries and communities was established. The legal minimum wage and maximum benefits under unemployment and workmen's compensation insurance were increased.

A joint interim committee was directed to submit to the 1957 legislature a plan for redistricting senatorial districts—last done in 1915. Mileage allowances were increased for the legislators, almost two-thirds of whom make a daily trip home. A permanent staff for the legislative council, created in 1951, was finally provided, consisting of a research analyst and a secretary.

Fla. Constitution Commission Establishes Work Program

The 37-member Constitutional Advisory Commission, authorized by the 1955 session of the Florida legislature and organized in July, has undertaken a varied set of tasks in preparation for arriving at conclusions and recommendations for constitutional revision to be submitted to the 1957 session of the legislature.

State Senator Wallace Sturgis of Ocala has been elected permanent chairman of the commission. The executive committee selected William L. Moor to serve as executive secretary and Dr. Ernest R. Bartley, University of Florida, has been selected as director of research.

Six study committees have been designated by the executive committee to consider various parts of the constitution and report back to the commission. Six members each were assigned to committees on the following subjects: (1) the preamble, declaration of rights, separation of powers, boundaries, judiciary and amendments; (2) legislative, suffrage, elections and apportionment; (3) executive; (4) county and municipal governments and local option; (5) finance and taxation, married women's property and public institutions; (6) education, public health and welfare.

The facilities of Florida's three law schools, the two university research bureaus and the Legislative Reference Bureau are expected to be called upon to furnish research assistance, in addition to that available from the commission's own staff. Commission headquarters have been established in the Capitol at Tallahassee, through which commission business and requests for technical assistance will be handled.

WILLIAM C. HAVARD

University of Florida

Congress Investigating U. S. Civil Service Commission

As set forth by the Civil Service Assembly in its *Personnel News*, Congress has authorized two investigations into the operations of the Civil Service Commission—one to be conducted by the House Post Office and Civil Service Committee and the other by the same committee in the Senate. Henry Cassell, a staff member of the House committee, will conduct

U. S. Employees Allowed in This City's Politics

The town of Sierra Vista, in southern Arizona near Fort Huachuca, an Army installation, was recently incorporated as Arizona's 51st city. A high percentage of the new town's population consists of civil servants and military personnel from Fort Huachuca. Because so many residents of Sierra Vista are civil servants, the United States Civil Service Commission has granted federal employees the privilege of actively participating in politics and holding political office on the municipal level.

PAUL KELSO

University of Arizona

an inquiry dealing with such matters as the distribution of jobs in grades GS-16 and above, the President's career-conditional order of last January, the extent to which the government has contracted out its operations to private concerns, and several aspects of Post Office Department operations.

The Senate inquiry, to be conducted by James R. Watson on leave from the National Civil Service League, will have a somewhat broader scope. Senator Olin D. Johnston, chairman of the committee, announced that Mr. Watson has been asked to study and make recommendations on the roles of the Civil Service Commission and the White House in personnel management and how relationships between these two affect the merit system. This study will include the effects of what was called the Willis order requiring

political clearance for federal job appointments.

Other questions to be considered are: the dual role of Philip Young as commission chairman and personnel advisor to the President; the top administrative structure of the Civil Service Commission in the light of "the objectives of the merit system and the principles of modern personnel management"; and the Commission Board of Appeals and Review regarding possible outside influences affecting its decisions.

Senator Johnston said of the investigation: "This intensive probe will cover the entire civil service system and its administration. . . . I am sure Mr. Watson will deliver to the committee an expert and thorough set of findings and impartial recommendations to be used in the best interests of the merit system and for the inspiration and security of the career employees."

Federal Career Service Awards Made

The National Civil Service League has awarded scrolls and personal mementos to ten federal employees nominated by their agencies for outstanding service. It was arranged that the awards be presented at a dinner at the Sheraton Park Hotel in Washington on December 2, attended by prominent people in government and business. It is planned to be an annual event hereafter.

The awards were given to career employees who exemplify to an exceptional degree the primary characteristics of a well functioning career service: competence, efficiency, character and continuity of service.

Over 100 nominations for the awards were made by 33 federal agencies and departments.

County and Township

Edited by Victor Jones
and William N. Cassella, Jr.

Fringe Area — A Problem Child

Sacramento Co. Unable to Meet Urban Demands

EDITOR'S NOTE.—The article below is made up of excerpts from a series of articles appearing from September 27 to October 18, 1955, in the *Sacramento Bee*, now published by that paper in pamphlet form—*Sacramento . . . A Crisis of Growth*. Author of the articles is Ralph M. Blagden, associate editor of the *Bee*. The story will be continued in the January issue of the *REVIEW*.

THE last Sacramento County grand jury pointed out some of the governmental weaknesses which menace this community of 370,000 persons. Its disclosures of widespread violations of the civil service laws, of waste and neglect in the administration of welfare and of general backwardness set the stage for a new planning director, a topnotch new county executive and improved county government all down the line.

But if all which the grand jury recommended were achieved, and if Sacramento became the best governed of any of the 58 counties in California, the basic difficulties of the community would remain unsolved.

Sacramento County could have been run by a chorus of angels and political Einsteins and still have been unable to cope with the thousands of people who descended on it to demand city services where there was no city to provide them. The unincorporated fringe areas have become more heavily populated than the city itself. These areas constitute a lush jungle of subdivisions, shopping centers, commercial strips, septic tanks, sewer lines, labyrinthine tax codes and accumulating irritations, costs and inadequate services which pester the inhabitants.

Sacramento, as other cities in the United States, is surrounded by suburban settlements which look like cities, smell like cities, sound like cities and clamor for city services but which are not cities. These fringe areas are faced with a special crisis which goes beyond the weakness of the multiple districts upon which they depend for what city-type services they get. They are in the middle of a big squeeze.

The county has just begun to keep a pace necessary to meet the problems of the county's growth. A 25-cent increase has been added to the county's basic tax rate partly to meet the jury's recommendations for salary and wage increases and other reforms.

All of these certain increased costs apply merely to the over-all county operation. They affect only the basic county tax rate. The people in the fringe areas must help pay them and still meet the costs of their municipal-type services such as sanitation, water, schools, lighting, fire protection, parks and additional utilities, which they will go on paying in special tax assessments to their districts. And there is no place for these costs to go but up.

Many in the fringes do not believe this trend has to continue indefinitely. They hug to themselves the illusion that all they have to do is to go on building subdivisions in their districts and property values will so increase that their taxes will drop. Some disenchantment is setting in, however. At a recent meeting of district dwellers on a proposed new bond issue a woman rose to say: "For years I have been hearing all we need is for new homes to be built. Well, the homes have been going up and so have my taxes."

An examination of just a few of the inescapable requirements facing the districts discloses that expenditures are

either destined to rise sharply or the people must forego essential services and improvements.

A case in point is the perennial drainage problem south of the city, where it has been jestingly charged the water districts dump water where it should not be in order that the people may form drainage districts to take it away.

Just a few weeks ago the people living along Morrison Creek, which diagonally bisects most of the county, launched a project to improve and utilize the waterway in the solution of the drainage problem.

Reactions to the 1,000,000 acre feet of water to be impounded at Folsom Dam illustrate how districts can be immobilized as much by inertia and indecision as by limitation of money. County engineers and the United States Bureau of Reclamation believe the people of the nearby districts should secure for themselves a portion of this water. The water table in the south of the county definitely is falling; the table in the north is falling, although not so rapidly. Simple prudence dictates joint action to claim some of the Folsom water.

The federal government cannot wait forever. There are already more than a score of filings from as many different jurisdictions for this water. Yet, although the county established a special water agency in 1952 to help the districts meet this decision, the districts have been unable to get together.

An example of disunity within a single small area is provided by Sanitation District No. 3, which has just been voted into existence. It took years to get approval for the district in a populous area where unhealthy conditions of septic tank overflow already had developed and, of course, residents faced the usual problem of expensive periodic maintenance of these tanks.

Several years ago the people of the area were told they could tie into the

city's treatment plant, entailing some charges but still a vastly better deal than going out and building their own. They could not get together in time to accept the offer. Then the expense of their own treatment plant was estimated at between \$400,000 and \$500,000. Today the city says it is too late to link into the city plant unless the people want to build an extension.

Thus we have glanced at three highly illustrative weaknesses of districts:

In the case of drainage and Morrison Creek, the districts simply lacked the funds to do what needs to be done and ultimately must be done. In the case of Folsom water, they have a chance but find themselves technically and psychologically unable to act. And in the case of Sanitation District No. 3, we find a district forced to accept an inevitability but only after a major opportunity has passed it by.

Grass Roots and Efficiency

It is claimed that high costs and inadequate services are offset by greater independence, closeness to grass-root forms of government and more upright officials in the fringe areas. Yet an examination of the facts suggests life amid 100 overlapping districts in Sacramento County yields less in independence, representative, close-to-home government and in the quality of political leadership.

The moment a citizen moves into the urbanized unincorporated area of Sacramento County he automatically places himself farther from representation. This starts with the county board of supervisors. Three of the present five-man board are predominantly elected from the city. It has been said that county supervisors are often so far removed from the average individual citizen, they incline to listen more attentively to those with subdivision and commercial enterprises. Certainly shopping centers and subdivisions have not lacked support in Sacra-

mento County and just as certainly the supervisors are limited in their services to citizens by the simple fact that most of those services are provided by the innumerable sanitation, fire, school, park and cemetery districts.

The logical next question is: How close is the fringe dweller to his own district? Physically he is just as close as the fire station or the meeting place for the discussion of problems or the voting booth where trustees are to be elected. Yet politically he places himself at an incredibly great distance from his district government.

Records back over the years show a 25 per cent turnout to be about tops in district elections, 10 per cent to be par for the course, while some of the offices go begging for candidates. Such facts contrast with a turnout of an average 60 per cent in Sacramento and a high of about 80 per cent.

The myth of rugged rural independence stumbles over other factors. The districts are not merely governed by the people in them but are subject to 5,000 state statutes and regulations, as chaotic and confused as many of the districts themselves.

Yet the most inflexible destroyer of independence in the districts is their poverty. What independence do districts have when the assessed valuation behind each school child may run only \$10,000 against the state average of \$30,000 or more? What independence does a district have when it must be subsidized by the state, when its school buildings must be constructed with state money, when it is bonded to its limit, when its assessed valuation is too low to permit essential action?

Independence thus is seen to dissipate itself in poverty, inadequate representation, political indifference and state control. And this growing dependence invites even greater dependence and subservience to the state, a center of government far

more remote than a city hall. Cities throughout the country are better able to balance one expenditure against the other, while the fire districts look at every problem with fiery eyes and the water districts with watery eyes.

As the cities gain in financial power they are gaining in their fight for home rule. But as the districts lose ground, they are encountering more reductions in their home rule.

Desperate Problem

As if to confess the truth of their oneness with Sacramento City, the unincorporated fringe areas often turn to the city for help. Politically cut off from the city the fringes sometimes try to buy from it the services their impoverished district governments cannot supply. Superficially this might seem an ideal solution. No special legislation and no vote of the people are needed to permit the city, for instance, to sell its water to suburban residents. Such arrangements can be made by simple contract or business negotiations between the interested parties.

The involvement of the city in this selling of its services, however, represents not the soundness of the practice but the desperateness of the fringe problem. On two fronts there is challenging vigilance against the extension of services by the city to the urban fringes. The League of California Cities has protested against alleged subsidies paid by the taxpayers of incorporated cities to allow counties to provide municipal-type services to the unincorporated urban areas. Extensive legislative investigations followed. No less wary are the farmers and ranchers who refuse to be taxed by the county for lights, paving, water systems and sewer lines they do not use.

With the city dwellers checking any impulse of generosity by the city fathers and the farmers ready to strike down the lavish hand of the county supervisors, and with the legislature backing up the vigi-

lance of both groups, the unincorporated areas find they must pretty much sink or swim in their own special districts.

Restless, burdened and unhappy with their single function districts, residents of the urban fringe areas often turn to the creation of small incorporated cities. Of the 38 elementary school districts in the county, 33 fall short of the minimum standards of size, wealth and balanced tax base set for successful incorporation.

The city of Sacramento, with its land space almost exhausted before it has really become a large city, with its gravely limited industrial development and with its dead weight of tax-exempt government property, finds itself in much the same position as the Boston, St. Louis and Cleveland of a century ago. There is still time to resolve the fringe area problem through some form of integrated government, but this moment may soon pass as the suicidal impulse of the suburbs toward small scale incorporation gains momentum.

Efforts Fail

Recent efforts to solve the urgent need of unincorporated fringe areas for special municipal type services have fallen flat because they have been fractional solutions. The community services district, of which there are four in Sacramento County, is an illustration of the futility of solutions which fall short of a truly integrated government.

In 1951 the League of California Cities asked the legislature to pass a bill forbidding the furnishing of municipal services, except for a special fee, from the general county fund. While the proposed legislation was defeated, it touched off a series of legislative investigations which found some free loading by the fringe areas but less than had been charged. Still nothing was discovered then or since to refute the fact of the fringe area's unmet need for municipal type services.

Consequently the community services district law was passed. This law permits

communities to form new districts or to combine their existing special assessment districts into single multi-purpose districts. It was a gesture toward giving the suburban areas the most important advantage of real cities—the bringing together in one package of many essential services under a centralized control which could insure a balanced distribution of the total tax money.

But even as they were born, these new districts were hobbled. The Pacific Gas and Electric Company was among those supporting the bill which conspicuously failed to authorize the new districts to enter the gas and electric business. In short, even as the fringe areas were given a city mask, they were encumbered with taboos which emphasized how far they were from being a city.

Robert O. Bailey, city manager of Chico, calls this law a "promoter's dream." Under it the districts may issue revenue bonds but the requirement that some of the bonds be certified by the State District Securities Commission has been amended out of the measure. Interest rates as a consequence have ranged as high as 6 per cent on some of the bond issues.

In some instances financial promoters have made the feasibility studies to determine whether a district should issue the bonds and then handled the sale of such bonds. There are excellent opportunities under this law, according to some state authorities, for smart operators to sell communities on big projects and then milk them for legal and financial consulting and service fees. Whatever the weaknesses, loopholes or strengths of this law may be, it simply is falling far short of its purpose.

By the close of 1954, almost three years after the community service district law was passed, only nineteen districts were formed under it. Of these only fourteen had completed their organization and only nine were in actual operation.

In a state of more than 4,000 special assessment districts, it appears this law has accomplished virtually nothing to clear away the jungle of overlapping jurisdictions. Even more significantly, not one of these new districts is operating as a multi-purpose district. In short, the chief purpose of the law has been ignored. There is little to distinguish these new districts from the old-fashioned single purpose districts.

In 1953 the League of California Cities and the County Supervisors Association tossed the fringe areas a new life preserver in the form of the county service area law. This new law did not create any legal entity or even a district in the strict sense of the word. What it did was to create a taxing area. In it a special tax can be levied to repay the county for expanded police and fire protection, park and recreational facilities and other services which the county is not authorized to perform out of the general budget.

So far only a handful of areas has been formed under this law. None is in existence in Sacramento County. Obviously, the effective use of this measure would require, as in Los Angeles, the presence of a highly efficient and urbanized county.

Sacramento has no such county government at the moment and the next few years seem certain to be spent in perfecting the minimum basic county services with little time or revenue available for expansion of services.

UNREPRESENTATIVE STATES

(Continued from page 575)

between the largest and smallest counties for representation in the lower house, although the counties range in population from nearly

500,000 down to about 2,000. Several variations of such rigid limitations could be mentioned, but invariably they have the effect of giving sparsely populated areas considerable over-representation.

Many of the states near the top of the rankings are found there because of frequent legislative action in making changes in district boundaries in order to adjust to population movements. In some instances this action has been taken more or less on a voluntary basis. In still others, some kind of constitutional self-executing provision has given the impetus necessary to insure action by bringing non-legislative agencies into the apportionment picture. Under a Missouri constitutional provision, a non-legislative body has the initial responsibility for reapportionment, while in the new Illinois amendment, a non-legislative commission is used only if the legislature fails to act.

Another type of provision that has tended to promote more equitable representation permits apportionment plans to be challenged in the courts, as in New York, Arkansas and some other states.

The effect of apportionment on the representativeness of our state legislatures has been pictured. The problems resulting from this have been discussed elsewhere. But the new data presented here should aid in determining where effort must be placed on apportionment.

Voters Defeat Fiscal Proposals

Trend of Support for Propositions Reversed

ACCORDING to press reports, state and local voters nation-wide turned down about three-fourths of the amounts of the bond proposals and most of the fiscal proposals submitted to them at the elections of November 8, reversing the recent trend of almost overwhelming support of such propositions. In the years since World War II, bond propositions had received an average approval of 85 per cent, and propositions had received a high degree of support also.

According to the press roundup, bond approvals aggregated \$470,938,000 compared with disapprovals aggregating \$982,265,000. The larger issues approved included \$150,000,000 state of Ohio issues for public buildings and schools and universities; \$74,800,000 for the Canadian River water district in Texas; \$61,000,000 San Francisco city bonds, including \$54,000,000 for improvements to hydro power plants in Hetch Hetchy Canyon; \$42,470,000 of improvement bonds in Philadelphia; \$25,000,000 bonds of Fairfax County, Virginia, including \$22,000,000 for schools and \$3,000,000 for a hospital; \$20,000,000 in Akron, Ohio, for highways; and \$18,400,000 for general improvements in Lubbock, Texas.

The largest issues defeated, which accounted for a sizeable part of the defeated total, were \$750,000,000 in New York State for road improvements and \$100,000,000 in New Jersey for a water conservation project to serve the northern part of the state. Even with these issues eliminated from the calculations, however, voters turned down one-fourth of the

amount submitted, nation-wide. Other significantly large issues defeated included \$24,000,000 in San Francisco for a new courthouse and off-street parking; \$30,000,000 in Fairfax County, Virginia, for a water system; some \$24,475,000 of Ohio local issues ranging down in size from \$4,000,000 of city of Lorain improvement bonds; and \$8,500,000 for a railroad overpass and parking project in Mount Vernon, New York.

Reasons for Rejections

The rejection of so large a part of the bond proposals and of a majority of other propositions in many areas was hailed in some quarters as reflecting a "get tough" attitude on the part of taxpayers, a reluctance to condone the undertaking of additional expenditures at a time when taxes continue their upward trend. On the basis of results in a few areas, however, that may be an over-simplification of the situation.

New York and New Jersey voters provide cases in point. In New York, submission of constitutional amendments and propositions has heretofore been tantamount to writing them into law; defeats have been few and far between, historically. On November 8 last, however, the voters defeated six of eleven statewide proposals and in Mt. Vernon, the only city where a bond issue was submitted, defeated that proposal. The state proposals defeated included one to exempt sewer debt from the constitutional debt limit and one to permit the use of housing funds already appropriated to make loans to limited-dividend housing corporations for so-called middle-income housing.¹

¹ Revised preliminary totals, made since this was written, indicate the official canvass will show that this proposition was approved. *EDITOR.*

In the opinion of this writer, the sewer debt exemption and loan to limited-dividend corporation propositions should have been defeated. The constitution provides for exemption of sewer debt from the debt limit to the extent that it is supported from service charges, so that any hard-pressed city has the means to finance additional sewer improvements outside the debt limits if it chooses to pay for them. New York City was the chief proponent of the amendment, and its officials now bewail the necessity of curtailing capital expenditures because the amendment was defeated; no such result need follow if the city fathers will forthrightly increase the sewer tax to provide the needed exemption.

Similarly, there was no apparent need for the authorization to lend funds to limited-dividend corporations; all apart from the consideration that use of public funds in support of private corporations is contrary to sound fiscal policy, the housing could be provided under existing law.

Special Interest Pleading

In the case of the New York road bond issue, special interest pleading clearly prevailed. There was no dispute of the assertion that the expenditure was urgently needed to provide new highways and modernize old ones. The attack on the proposition was made by the traditional highway tax interests, spearheaded by the New York State Automobile Association. The legislature, in submitting the proposition, had forthrightly and correctly provided accompanying legislation to raise the money to finance the bonds, if they were approved, by raising the gasoline tax from four cents to six cents per gallon (still low by comparison with many other states) and raising the diesel fuel tax proportionately. The industry spokesmen attacked the proposals as unsatisfactory because the gasoline tax was not specifically dedicated to highway purposes, and this failure to earmark the tax is

popularly credited with the defeat of the bond issue.

To the best of this writer's knowledge, no public official spoke out to attack the objection based on the lack of earmarking of the gas tax and to point out that the earmarking technique is a positive handicap to economical public management and contrary to sound principles of fiscal administration. Nor was the question publicly raised as to why users of motor vehicles are to comprise a privileged group of taxpayers, entitled to taxation solely on a benefit or service charge basis when other segments of the economy are being called on to meet the mounting need for services determined to be desirable by the voters through their elected representatives or by referendum, for taxes based on ability to pay. It was pointed out publicly, however, that earmarking would fail to provide the needed revenues to finance all the services, state and local, being provided for owners and users of motor vehicles, including in addition to state highway construction such sizeable expenses as those for maintenance of county and urban thoroughfares, parking facilities, policing and emergency hospital facilities to care for the victims of traffic accidents.

In New Jersey, the acute need for additional water supplies to provide for requirements of the communities in the northeastern part of the state had been well publicized with considerable attention given to the problem by the state administration, members of the legislature, and local agencies. The proposal is said to have been given strong opposition by political leaders in Hudson County, where Jersey City is a dominant political factor. That city, virtually alone among the larger north Jersey communities, has already a water supply sufficient for its prospective needs. There was also opposition to the proposal, which involved creation of a state water authority, from south Jersey counties, which would not share in

the new supply. The local interest of these areas to which the project would not be directly beneficial evidently prevailed.

Attempts, like the foregoing paragraphs, to read the voters' minds are always risky, but second-guessing elections is a well established American privilege and this columnist thinks a few conclusions are justified on the basis of the arguments used in New York and New Jersey.

Some Attitudes Deplored

The first conclusion, obviously, is that the voters did in fact make distinctions in their voting. New Yorkers did defeat some propositions that should have been defeated, and the New Jersey voters, while defeating the state water proposal, passed some local propositions. And in other states propositions were approved by the same electorates that defeated other proposals. It is not true, therefore, that there was a general "vote no" attitude on the part of the electorate.

This being so, the second conclusion is inescapable—that the proposals defeated were defeated for what seemed to the voters to be good reasons. And those reasons, to the extent they can be determined from the pre-election discussions, boil down to two affirmations which the voters evidently accepted as controlling: first, that gas tax (and presumably other highway) revenues ought to be earmarked for highway construction; and second, that a proposition requiring statewide approval but benefiting primarily one section of the state may legitimately be made the object of sectional conflict of interest.

In the era of nuclear fission, this is a reversion to the fragmentation bomb. Students of public finance have been agreed for a generation that earmarking is an unsound practice because it destroys

legislative control over the budget and hence over fiscal policy. In New York State, there has been over nearly half a century a succession of studies and investigations of state and local finance, undertaken by people of competence whose conclusions have both contributed to the development of administrative theory and provided the groundwork for subsequent state and local practice. If one would assume that the voters of any state had a background of information sufficient to protect them against the blandishments of the earmarking argument, it would be the voters of New York State. Yet, they succumbed to the argument of the earmarking proponents, and no public official raised his voice in rebuttal.

The argument of sectional interest, or lack of interest, is of course closely related to the earmarking of funds. Both are fragmentation devices, breaking a whole into small pieces which may then be treated without considering their relationship to each other.

If this tendency to fragmentize fiscal and other governmental problems were peculiar to the states, and propositions, mentioned here, it would not be of much moment. Unfortunately, fragmentation is evolving as something of a technique, used by opponents and proponents of a number of special interest programs at all levels of government. To the extent that these efforts are successful, they will break up government into smaller and smaller segments, each supported by its own little revenue system. Legislative and administrative responsibility will have been effectively destroyed, with our federal system replaced by systematized anarchy. Succeeding columns over the next several months will examine the tendency, to see whether the result feared is real or imminent.

Proportional Representation*Edited by George H. Hallett, Jr.
and Wm. Redin Woodward**(This department is successor to the Proportional Representation Review)*

Six P. R. Elections Held November 8

Lowell and Revere Vote for Repeal

ALL the P. R. cities in Ohio and Massachusetts elected their councils by the Hare system with nonpartisan ballots on November 8, those in Massachusetts their school committees also.

Nonpartisan civic slates won council majorities in the two largest cities, Cincinnati and Worcester.

In Cincinnati, the City Charter Committee, which has elected either a majority or four out of nine at every council election since P. R. and the manager plan were adopted under its auspices 31 years ago, elected five this time, two independent Republicans and three Democrats. The Republican organization, its traditional opponent, elected four. The successful Charterites included Charles P. Taft, recent Republican candidate for governor of Ohio and brother of the late senator, and the present vice-mayor, Mrs. Dorothy N. Dolbey. The successful organization men included the present mayor, Carl W. Rich. Mr. Taft is expected to be chosen mayor when the new council organizes. The last place on the council was won by a Charterite in a very close race with a former Charter councilman running as an independent. The latter has asked for a recount.

Worcester Fares Well

In Worcester's fourth P. R. election, six of the nine council places were won by the Citizens Plan "E" Association, which sponsored the original adoption of the P. R.-manager plan combination known as Plan E under Massachusetts law. Its

successful candidates included three Democrats and three Republicans, headed by former Mayor Andrew B. Holmstrom. The three other councilmen are all prominent Democrats, but there was no official party slate. Mayor James D. O'Brien headed the poll for the first time with two full quotas of first choices, followed by Mr. Holmstrom with more than a quota and a half.

Commenting on the council results the *Worcester Telegram* of Sunday, November 13, said:

There has been a lot of loose talk of late about how a reform system of city government—which Plan E was back in 1949—necessarily deteriorates as the voters lose interest in it.

Far from showing any lack of interest, the election last Tuesday brought out the second highest vote since Plan E's inception. Moreover, it put into office a substantial majority of candidates who are openly avowed and bona fide champions of good and efficient municipal government, untainted by cheap or partisan politics of any kind. . . .

The net of this city election is that we will have what is probably the strongest council in many years from the standpoint of talent and integrity. The people of Worcester can properly be proud of the mature wisdom which they have displayed.

In the school committee election the "C.E.A." elected three of the six, with Edwin Higginbottom, professor of English at Worcester Polytechnic Institute, leading the poll with well over a full quota, as he did two years ago. The three included a Republican (Professor Higginbottom), a Democrat and an independent new member, Mrs. Helen A. Bowditch. The other three elected were all Demo-

cratic present members, running unattached. Worcester is a Democratic city but since the advent of P. R. has always elected some members who are enrolled Republicans. Much of the voting disregards party lines, as shown by the P. R. transfers.

The mayor to be elected by the council from its own number will be the seventh member and chairman of the school committee. The *Worcester Evening Gazette* of November 15 said editorially:

This choice of a mayor will be one of the first tests of the new city council—a council which seems to us probably the strongest in many years. We cannot quite say the same thing for the incoming school committee, yet it has the potential to meet with distinction the challenge that is thrust upon it.

The other Massachusetts cities which elected P. R. councils and school committees on November 8 were Cambridge, Lowell and Revere. At the same time Hamilton, Ohio, elected its council by P. R. for the fifteenth time.

Votes on Repeal

The cities of Lowell and Revere voted out P. R.—Lowell 21,498 to 13,989 and Revere 11,014 to 2,821. The latter had been given permission to place the question on the November ballot, without benefit of a referendum petition, by special act of the 1955 state legislature. The result in that city had been expected because a P. R. repeal vote two years ago had been balked only by a failure to give the voters proper notice. There was no civic group or friendly newspaper in either city to conduct a much needed educational campaign on the significance of P.R. and the issue went by default.

Quincy, Massachusetts, which voted out P. R. two years ago, this year voted out the manager plan also. The basic difficulty was the same as in Revere. Cambridge, which has an active civic group supporting P. R., has repulsed two attacks

on it and Worcester has so far not even had a repeal proposal on the ballot.

French Debate Electoral Law

EDITOR'S NOTE.—The following special article by Joseph Kraft appeared in the *New York Times* of October 30, 1955. It describes the workings of France's hybrid electoral law and shows how far it falls short of proportional representation, though it is commonly called by that name.

The prospect of early general elections has fired a new controversy around one of the most vital and complicated features of the French political system—the electoral law. The controversy runs to the basis of French politics and it figured importantly in the confidence vote which narrowly sustained the Faure Government on Friday [October 28].

Premier Faure has proposed that the electoral date be advanced from June 1956 to December of this year. The Right and Center parties composing his majority (mainly the Independents and Popular Republicans) favor the proposal. For one thing, they want to retain the present voting system which has given them a majority in the National Assembly and they reason that early elections will make impossible a change in the electoral law.

Entirely different calculations rule the thinking of the followers of former Premier Pierre Mendès-France and the Socialists. They need time to drive home the costs yet to be borne in North Africa. They favor a change in the electoral regime.

At the heart of the fight is the law drafted for the last general elections—in June 1951. At the time, two parties on the left and right wings, the Communists and Gaullists, were considered a menace to republican government. The so-called government parties—the Socialists, Radicals, Popular Republicans and Independents—designed the law for the ex-

press purpose of repulsing the two outsiders.

Situation in 1951

The result was an extraordinarily complex bundle of voting rules. Few Frenchmen can describe in detail the workings of their electoral system. Many are vague as to essentials.

Under the 1951 system the basic constituency is the department, or chief French administrative unit. An exception is made for seven very heavily populated departments which are divided into several constituencies. Most departments elect either three, four or five deputies, and in each department each party presents a ticket with as many candidates as there are deputies to be elected.

The method of translating the popular votes into Assembly seats is proportional representation. P. R. in general favors small parties and for that reason was embraced by the Communists in the United States. In France it has been turned against them. In the Paris region, where they are a large party, P. R. operates undiluted. Throughout the rest of the country, where the government parties are strong, P. R. is powerfully abridged. For one thing, any party gaining a majority of the popular votes gets all the seats. For a second, it is possible for individual parties to make *apparentements*, or alliances, whereby the votes of the allied parties are lumped together in a single unit.

To see how the system works, assume that in a department with five seats in the Assembly and 150,000 voters in the poll, the vote was as follows:

Communists	39,000
Gaullists	30,000
Popular Republicans	25,000
Independents	21,000
Socialists	19,000
Radicals	16,000
Total	150,000

In the Paris districts where P. R. operates undiluted, the total number of votes is divided by the total number of

seats to give a strategic quotient of 30,000. The Gaullists and Communists, having reached that figure, each get one seat. The Communists have as a remainder 9,000 votes and the other three parties have as a remainder their original vote totals. The three other seats are distributed to the parties with the highest remainders, that is, the Popular Republicans, the Independents and the Socialists each get one seat. Thus the Communists, though they have far more votes than any other party, get exactly the same number of seats.

In a similar poll in any of the non-Paris districts, however, the four government parties might very well be linked in an *apparentement*. Together their popular vote would total 81,000, or an absolute majority. That would give them all the seats. Redistribution among the four parties by P. R. would give two seats to the Popular Republicans and one each to the Independents, Socialists and Radicals. Thus where the Communists would get no Assembly seats, the Popular Republicans with a little more than half their total would get two, and the Radicals with less than half the Communist total would get one.

Opposition to Law

In practice the system has worked out exactly as described above. Out of slightly more than 100 departments, *apparentements* were made in 90. In 31 departments the allied parties won an absolute majority and all the seats. But the Communists were not included in a single *apparentement* and the Gaullists in only a very few. Thus, many of their votes were "wasted." It took more than 50,000 votes to elect a single Communist deputy and fewer than 30,000 for the four government parties to elect a deputy. As a system for beating back the Communists the 1951 law was a magnificent success.

In part the opposition to the law is general. Many people find it too compli-

(Continued on page 601)

Citizen Action Edited by Elsie S. Parker

Form Foundation to Educate Voters

Minnesota Democrats Try British System

SINCE the turn of the century the financing of political activity has been influenced by two broad trends. The first has been rising costs of campaigning. Radio and more recently television have caused costs to soar. The second trend has been less marked and has received less attention from most political observers. It is a growing recognition that effective party campaigning involves more than the hoopla associated with the election year swing around the circuit. The newer conception of campaigning is one of a long term educational process, pitched less to the torchlight parade type of activity and more toward influencing the minds of the electorate. The weakening of party traditions and of national bloc voting has encouraged this.

Since 1929, when Charles Michelson assumed charge of the national Democratic party's publicity, this conception of continuous educational activity has gained steadily. Both parties no longer close down their central offices between presidential elections. A steady stream of educational materials is being sent out.

This new type of activity adds to the costs that must be met by the parties and also changes the sources to which the party may appeal for funds. Collecting funds for between-election activities is more difficult than securing them during an exciting and important campaign. The Democrats, for example, have found it necessary to charge a subscription price for a party magazine.

In Minnesota, members of the Democratic party are attempting to solve this

problem of continuous education of the electorate in a way that is new in American politics. Acting as individuals, prominent members of the Democratic-Farmer-Labor party have established the Minnesota Foundation for Political Education, patterned on the foundation system of British political parties. After three years of operation the permanent fund built up is less than \$10,000 but the foundation's sponsors hope that over a period of twenty years enough funds may be secured to finance political educational programs without touching capital.

The sponsors of the project have begun the foundation in a modest way, aimed at encouraging contributions from small donors so that each may psychologically feel an involvement in party educational activities. As a result each donor begins to appreciate the need for continuous political education and may be encouraged to form the habit of small regular contributions. The success of Governor Orville L. Freeman's "Buck a Month" contribution plan during the campaign months of 1952 and 1954 has encouraged this approach in Minnesota.

Democratic National Committeeman Byron Allen, of Detroit Lakes, Minnesota, is listed as chairman of the foundation. "As far as we know," he states, "it is the first such effort in the United States to work toward financial stability and long-time planning for the needs of a major political party. It is a venture aimed at gaining the confidence and support of the general public, especially those who usually support the national Democratic party and affiliate with our Democratic-Farmer-Labor party in Minnesota."

Mr. Allen first heard of the British endowment funds for political parties while he was a student in college in the twenties. In 1949 he encouraged a Min-

neapolis lawyer to make further inquiries and copies of the charters of British party foundations were obtained. The Minnesota Foundation finally became a reality in 1951 with a charter patterned after the British models.

The moneys collected are put into two funds. One is designated as the current expenditures fund while the other is a permanent endowment fund. Donors may specify to which fund they are contributing. Money placed in the permanent endowment fund may not be spent for twenty years from the time it is received.

Once a year the foundation issues a report of moneys received and expended. The name of every contributor who gives over \$50 is listed unless the donor asks to remain anonymous. Contributions to the fund have come from a number of sources. Farmers have been encouraged to turn over proceeds from cooperative shares. Labor unions have been solicited for small contributions. One per cent of the proceeds from such Democratic-Farmer-Labor party events as the Jefferson-Jackson Day dinner and congressional district dinners are earmarked for the fund. Individual contributors of amounts ranging from a few dollars to one hundred dollars have made up the bulk of remaining contributions.

The foundation was organized by private individuals rather than the Democratic party because contributions to party organizations are not tax exempt. "A citizen," says Allen, "can advertise his business or personal skills and qualifications, if in the pursuit of money, and deduct the expenditures so made as legitimate business expense for purposes of taxation. But that same citizen cannot expend his money to further a political career and tell his neighbor of his thoughts on the needs of the community and expect any consideration from the tax-gatherer."

Therefore, the foundation is legally or-

ganized under the name of the Minnesota Foundation for Political Education. Two facts make its relationship with the Democratic party apparent to political contributors. The first is that the trustees are all prominent citizens known to be affiliated with the Democratic party. Mr. Allen is Democratic national committeeman and chairman of the foundation. The second is that, in a leaflet distributed at fairs to encourage contributions, there is a pledge form that includes this phrase: "In addition enclosed is \$3.00 for the *Democratic Digest*, which is a monthly publication of the Democratic National Committee." The foundation has not yet faced a court test of its tax-free status.

Organization's Setup

There are 21 trustees. The term of office is six years and, like the organization of the U.S. Senate, one third of the membership of the board finishes its term every two years. A trustee may serve only two terms, and the terms may not be consecutive. New trustees are nominated and confirmed by the board of trustees. A board meeting is held once every year.

A provision in the charter provides that every six years the board may review and change the method of nomination for trustees. Presumably the sponsors hope that some day the Democratic-Farmer-Labor party itself might legally choose the trustees and recognize the foundation openly as an affiliate of the state party organization.

The restrictions on board membership are few. There are seven groups of trustees and one of each of these groups leaves office every two years. The groups are informally divided among important factions of the state party as follows: labor, farmers, cooperatives and small businessmen, educators and the clergy, other professional men, party officials and local officeholders and one unde-

finer group. The original trustees contained no prominent DFL candidates or officeholders. In 1954 one of the trustees, Mrs. Coya Knutson, was elected to the U.S. Congress. Her term expired in February 1955 and she is no longer a member of the board. Foundation policy is to exclude prominent officeholders from the board to prevent any suspicion that favoritism may determine distribution of funds.

The trustees must be citizens of the United States and residents of Minnesota and must be "of publicly declared progressive political principles." A further qualification in the charter states, "No person who is a member of a political party or organization which advocates dictatorship of any kind or which opposes democracy and human freedom shall be eligible to serve as a trustee of this foundation."

The charter requires that the funds be spent for public purposes. Any funds paid to trustees carrying out programs sponsored by the foundation must be approved by a two-thirds vote of the board.

Aim of Foundation

The general aim of the organization as stated in the charter is "to promote the improvement of the social, economic, civic, political and other living conditions of the people of the state of Minnesota and of the United States of America." Specific aims listed deal with research in the political process including "to issue, publish and distribute such writings and publications as the trustees may deem appropriate and to engage in whatever other activities the trustees may deem necessary and appropriate to educate the public to a higher conception of social ideas and values and of the personal obligation and duty of every citizen in a democracy to become informed on public issues in order that he may intelligently exercise his rights and duties of citizenship and to aid the citizens of the

state of Minnesota to fulfill that obligation."

Mr. Allen has summarized the purposes of the foundation as follows: "It is our dream that we may have foundation and party-sponsored lecture courses in Minnesota communities as well as political reading rooms such as political parties sponsor in Sweden; schools for candidates and, where needed, 'fellowships' for citizens who need financial help to prepare for a campaign and a career in elective office; and political 'internships' of a practical nature in the offices of United States senators, congressmen, governors, state legislators and party officers, such as is now being attempted in New York State by the leaders of both major parties in cooperation with the universities and colleges of that state."

Thus far the foundation has made two grants of money. The first went to a former member of the DFL executive committee, Mrs. Ira Polley, who spent a year in Great Britain. The grant provided for a more complete study of the foundations of the British political parties. Her report is now being published for distribution by the foundation. A second award was in the form of a desk clock for the "best liberal editorial" published in Minnesota in 1952. It was awarded to John Obert, editor of the *Park Region Echo* of Alexandria, Minnesota, at the foundation's first annual banquet in 1953. The award was presented by Senator Hubert Humphrey for the editorial "The 'Captive' Candidate," which was in praise of the campaign of Adlai Stevenson in 1952. The foundation has published and distributed copies of this editorial.

Mr. Allen feels that the foundation will in time provide a solution to the problem of financing the educational activities of the major parties. Whether it will become a major factor in dealing with the problem of financing the intensive political activity during campaign years re-

mains to be seen. "I hope," he says, "that we can show the way to other states and to our Republican adversaries at home and elsewhere. I hope other states will take up the plan and that we in turn can learn from their experience."

OTTO CHARLES PRESS

North Dakota State College

The Other Side of the Coin

(From *Colorado Municipalities*,
August 1955.)

Municipal officials are accustomed to being "exhorted" to do the best jobs possible. It's a refreshing change of pace, then, when they are reminded that citizens have obligations too. The pattern of responsible municipal citizenship was the theme of Hon. Allen C. Thompson, president of the American Municipal Association and mayor of Jackson, Mississippi, when he addressed the banquet which ended the 1955 annual conference [Colorado Municipal League, June 22-24, Glenwood Springs]. The substance follows; we're sorry we can't reproduce the persuasive accent and the delightful anecdotes.

(1) Citizens should accept their fair share of the cost of city government and are bound to realize that when a public official assumes office he does not become a magician, able to provide all of the required city services at no cost.

(2) Citizens should be interested and willing to cooperate in all worthy efforts and, of course, should oppose just as vigorously programs that they consider unworthy.

(3) Citizens should be reasonable and tolerant of city hall, never asking for favoritism but only for justice, and certainly should not begin with the basic assumption that the officials and employees are wrong and are trying to get the best of everyone.

(4) Citizens should be intelligent and believe in fair play and should carefully examine statements made about municipal officials.

(5) Citizens should encourage city officials and employees. We know the importance of our jobs and we sincerely believe that this country is dependent for its very existence upon strong local government. Strong government at the local level is the greatest protection we have against all of the subversive elements that would undermine our system of government and turn authority over to special interest groups, but we need plenty of encouragement at times as we perform our jobs.

(6) Citizens should help to promote an educational system which will produce good citizens—which will teach that holding public office and working for a municipality is an honorable profession and that politicians do not have to sacrifice principles to be successful.

Seek New Charter

The Civic League of Long Beach, California, is still working for a new city charter. In its recent *Municipal News*, it quotes from a report on the present charter made by Louis J. Kroeger to the city council: "It is too long," "it is too detailed," "it is confusing," "it is conflicting," "it obstructs progress," "it is out of date." "Every informed citizen of Long Beach knows that the city government lacks something," continues the report. "Most are puzzled as to what it is. This survey was made in an effort to find the cause of trouble and to correct it. We have found over 1,400 such causes and though numerically the majority of them can be cured under the present charter, all of the most significant will require a new charter."

The Civic League has prepared a proposed new charter which it urges citizens to study and to give serious attention to its early adoption.

Forms of Government Discussed

The League of Women Voters of Memphis, Tennessee, made the strong-mayor and council-manager forms of government their August discussion

topic. The Memphis Committee for Council-manager Government has been working actively for that plan.

Anniversaries

The year 1955 finds the Municipal League of Seattle and King County, Washington, celebrating its 45th birthday. The organization made a small start in 1909 when seven or eight men met to discuss the formation of a civic group. According to C. J. France, second president of the league, speaking to the membership in 1911, "Gradually the group was enlarged but with the utmost care and consideration. Each man was permitted to bring in one other, and this was done only after the original group had become well acquainted. . . . Thus, it was in March 1910 that we had gathered together, without there being any formal organization, some 30 men. We felt at least that we knew each other well enough to take the final step." That step was taken May 23, 1910, when the league was formally launched. Its membership today is nearing the 5,000 mark.

The Commonwealth Club of California has just issued its *52nd Annual Progress Report* (San Francisco, 76 pages). "In tabloid," says the report, "the year 1954 saw our Commonwealth Club of California register a net membership increase of 70 members; hold 62 Sheraton-Palace Hotel luncheons; conduct 343 section study meetings on public problems; saw 573 members propose from one to thirteen new members apiece; add six new statewide radio stations to the three which had previously broadcast club Friday addresses; conduct four major club-wide ballots; acquire for the club's library, through generous donations from members and others, nearly complete sets of both the University of California *Blue and Gold* and of the Stanford *Quad* yearbooks; inaugurate and half-complete an important (\$30,000) research study on California social welfare carried on under direction of a volunteer committee

of club members by a paid small staff of professional research workers; maintain against all comers its traditional policy of hearing all sides of every question studied, also of listening to forum speakers of every shade of belief—and close the year with a net balance, after paying all 1954 expenses, of over \$4,000."

The club's membership at the end of 1954 was 7,291.

Recent Publications

The Adult Education Association of the U.S.A. has this year issued three "leadership" pamphlets as practical aids "to leaders in educational, governmental, welfare, health, farm, religious, industrial, community and other groups": *How to Lead Discussions, Planning Better Programs and Taking Action in the Community*. Single copies may be obtained from the association, 743 North Wabash Avenue, Chicago 11, for 60 cents each. Two pamphlets cost 50 cents each; 25-99, 35 cents each; 500-999, 25 cents each, single or mixed titles.

Citizens Committees, by Daniel R. Davies and Kenneth F. Herrold, is published by Arthur C. Crofts Publications, New London, Connecticut. It is the first in a series of handbooks under the general title "The Dynamics of Group Action," which the company will bring out from time to time. Future issues will discuss board meetings, staff meetings, organization to solve problems, etc.

Peoria Story

Redbook Magazine for August carries the story of the citizens' fight in Peoria against gambling, prostitution and old-line politicians and their campaign to secure the council-manager plan, which won for that city the "All-America City" award of the National Municipal League and *Look* magazine in 1954. The article was prepared by Betty Friedan.

Another article on Peoria appears in the *Saturday Evening Post* for October 1. Called "The Town That Reformed," it is by John Barlow Martin.

Stress Need for Research Data

Legislative Conference Plans Report Exchange

PERSONS working in the governmental research field at the state and local levels are constantly plagued by the inadequacies or general lack of research information and data. Most commonly this is because of a failure of governmental units to issue regular meaningful reports, but in some cases it is due to a lack of uniformity among governmental units in compiling reports where reporting is the regular practice.

The National Legislative Conference, at its recent meeting in Miami, concerned itself with the problem of needed research information. The conference is composed of representatives of the legislative service agencies throughout the country, and is affiliated with the Council of State Governments. It adopted three resolutions which, if completely implemented, could help materially in providing more adequate state and local government information and data.

The first resolution pertained to the interstate exchange of research reports of legislative service agencies and their publications generally. As a result of the adoption of this resolution, the conference set up the mechanism for a more systematic distribution of agency reports among comparable agencies in other states, with the Council of State Governments performing the necessary clearing house functions for this purpose.

In another of the resolutions, the conference urged Congress to make available funds to permit the revival of the preparation and publication of the *State Law Index*. The *Index*, issued biennially

between the 1920s and 1940s by the Library of Congress, digested and indexed current legislation adopted by the several states and in later years summaries of such legislation were also issued.

The conference also went on record as urging Congress to provide adequate appropriations for the 1957 census of governments. This census, which is already authorized by federal law, would include up-to-date and uniform financial and personnel statistics of state and local governments. The last census of this type was completed by the United States Bureau of the Census in 1942—the census scheduled for 1952 was not undertaken because of lack of funds.

Other organizations which have adopted similar resolutions are the International City Managers' Association, National Association of Tax Administrators, National Association of Assessing Officers and Municipal Finance Officers Association.

A bill to provide the funds is before the Subcommittee on Commerce Department Affairs of the House Appropriations Committee. Representative Prince H. Preston of Georgia is subcommittee chairman. (See page 556, this issue.)

Finance Data Made Available

The Bureau of Municipal Research and Service of the University of Oregon, in cooperation with the League of Oregon Cities, has prepared a comprehensive *Revenue Sources of Oregon Cities, 1953-54*. The report follows similar publications that have been made for selected years in the past by the bureau. The present edition shows that the principal source of revenue for cities is the property tax, but that tax is steadily de-

clining in percentage of total revenue produced in Oregon, as elsewhere.

At the state government level, the Michigan Department of Administration has prepared *Fifteen Years of Michigan State Government Financial Statistics 1940-1954*. The report is a tabulation of major items of state revenues and expenditures for the period covered. It brings up to date a 1940 study by the Bureau of Government at the University of Michigan.

The Alaska Resource Development Board has prepared a second financial survey of towns and cities in Alaska. *Financial Data Regarding the Incorporated Towns and Cities in Alaska* reports on all but six of the territory's 30 incorporated communities and presents 1954 data on assessed valuations of real and personal property, sales tax revenues and the number and value of building permits.

Comprehensive data on the financial condition of Illinois municipalities is now available for the first time. A 1953 law established a municipal auditing program in the office of the Auditor of Public Accounts. That official has now compiled data from the audits required to be filed in his office and published a report presenting this information in tabular form, which will make it possible to undertake comparable financial studies of municipalities in that state.

1955 Texas Legislature Reviewed

The University of Texas Institute of Public Affairs has issued its second review of a session of that state's legislature, *The Fifty-fourth Texas Legislature—a Review of Its Work*. In Texas and a few other states, university research bureaus prepare summaries of the work of state legislatures, so that the results of their deliberations can be seen from an over-all approach. Included in the Texas pamphlet is a discussion of bills that

passed and those that failed as well as those that were vetoed. Also a summary of constitutional amendments to be submitted to the voters is made. The digest in addition contains a list of interim studies authorized by the legislature.

Municipal Government Reports Published

Reports on various aspects of municipal governments have recently been published by five university research bureaus.

The Bureau of Public Administration at the University of Mississippi has issued *A Manual For Mississippi Municipal Government*, which is a comprehensive compilation and digest of the municipal legislation of that state. The manual, prepared by Edward H. Hobbs and Alton W. Sims, contains the usual summaries on the forms of municipal government and functions, services and powers of municipalities. Also a discussion of election laws, personnel and financial administration is included. A separate chapter is devoted to municipal relations with other governments, including counties, school districts, the state and the federal government. The manual is 148 pages in length and is well indexed.

Municipal zoning powers is the subject of a study made at the University of Texas. The history of zoning regulation in the state is developed in *The Texas City—Its Powers to Zone*, authored by Stuart A. MacCorkle, director of the university's Institute of Public Affairs. Although Texas zoning can be said to go back to 1731 at the time of the Spanish control of San Antonio, modern zoning regulations in that state did not become effective until 1921. Since that time there has been much litigation, as has been the case generally, and this study reviews the several Texas court decisions in some detail. The study was undertaken to take care of the need for a "statement setting forth the law on

zoning in Texas in clear and simple terms."

City Council Organization and Procedures in Los Angeles County is a study recently completed by the University of California (Los Angeles) Bureau of Governmental Research. The author, Jenniellen Wesley Ferguson, points out that there is considerable intermingling of administrative and legislative functions in the actual work of the city councils, even though great strides have been made in the development of a career service of administrators at the local level. The central theme of the monograph is that the decisions of city councils are increasingly important to the local citizen, and therefore the citizen should pay as much attention to the operation of these bodies as is given to the state legislature and Congress.

The University of New Hampshire's Public Administration Service has reported on *The Highway Agent in New Hampshire*, another pamphlet in its governmental series. The report, prepared by John E. Trafford, is a compilation of the statutory duties of the highway agent, a position similar to that of highway engineer in other states.

The Annual City Report Why and How is a study by the Bureau of Governmental Research and Service at Florida State University, published in that unit's series, "Studies in Government." Written by Murdock Martin, it reviews the need for a city to publish an annual report and discusses the content of such a report.

PROPORTIONAL REPRESENTATION

(Continued from page 593)

cated. Others complain that it puts a premium on a negative majority opposed to the Communists, but is not calculated, as the record of the present Assembly seems to show, to produce a majority in favor of any coherent policy.

In the case of M. Mendès-France, he

has an appreciable following in the country. He and his followers feel that, given a clear-cut choice, the country would return a majority backing a Mendèsiste program. They are fighting against the present system and especially the *apparentements*, because it makes any clear-cut choice impossible. They favor a system whereby constituencies would be far smaller, and each constituency would return one deputy to the Assembly. In such circumstances, they feel, the vote would be divided cleanly between candidates favoring a Mendèsiste program and candidates opposed.

Socialist Position

The case of the Socialists is altogether different. The 1951 vote yielded a majority of the right which has passed legislation opposed by the Socialists and their constituents. The Socialists feel they cannot ally themselves in the next elections with the rightist parties, except at the cost of losing votes to the Communists. Thus barred from the benefits of the *apparentement* system, they are demanding an end to the *apparentements*.

As yet no clear majority has emerged on behalf of any one electoral system. But the right appears to favor the present law if only to beat the Mendèsistes and Socialists. And the prospect is that the Assembly, unable to agree on any other system, will settle for something very closely approximating the present law.

This may mean a slight gain for the Communists, especially if the Socialists do not enter into alliances with the Right against them. But the country as a whole seems prepared to pay that price. For there is a widespread feeling that difficult decisions lie ahead, in North Africa and in the Saar, and that only a new Chamber will be able to handle them. Accordingly, though the elections may not come in December, the prospect is very good for a poll before June, perhaps early in the spring.

Books in Review

Federal Reorganization

A REPORT TO THE CONGRESS (20 Vol.). By the Commission on the Organization of the Executive Branch of the Government. Washington 25, D. C., U. S. Government Printing Office, 1955. Various paged and priced.

DIGESTS AND ANALYSES OF THE NINETEEN HOOVER COMMISSION REPORTS. Washington 5, D. C., Citizens Committee for the Hoover Report, 1955. 252 pp.

During the last year, numerous reports have been issued by the second Hoover Commission and its task forces. The conscientious citizen wishing to digest and analyze their contents found such a task overwhelming.

The second commission, unlike its forerunner, was specifically asked to make recommendations on policy matters and, as a consequence, much of its report has been considered controversial. Certain of the more controversial recommendations concerned state government and especially federal aid programs.

Fortunately the citizen's dilemma in approaching the reports has now been eased by the Citizens Committee for the Hoover Report, which has just issued a digest of the reports. The digest condenses the commission's nineteen reports (they totalled 1,632 pages) and highlights the background facts, major findings and recommendations, and the importance of each report. In addition the digest summarizes each of the commission's 314 recommendations and indicates how each can be implemented, i.e., by legislation or executive action. The digest does not discuss the controversial aspects of certain of the recommendations, nor does it consider any of the dissents filed by commission members, nor recommendations of task forces that were disregarded by the commission. But the digest will serve a real need for the person who wishes to become familiar with the major findings and recommendations of the commission.

The committee has reprinted separately the digests of each report.

Turning to the publications of the commission itself, the nineteen basic reports are supplemented by a separate 85-page index that also should be an aid in locating information in the many volumes. The index, unlike the digest, classifies information in the task force reports as well as the commission reports. The task force reports include some twenty additional volumes, and are even more massive than the reports of the commission.

S. K. G.

Conservation

CONSERVATION LAW AND ADMINISTRATION. A Case Study of Law and Resource Use in Pennsylvania. By William F. Schulz, Jr. New York, The Ronald Press Company, 1953, xxv, 607 pp. \$10.00.

This lengthy volume contains a comprehensive analysis of the state conservation laws pertaining to the administration of renewable natural resources in Pennsylvania. It is the first such case study in a state and could be of great value to other states wishing to analyze their conservation programs. The study, sponsored by the Conservation Foundation and the University of Pittsburgh, makes a detailed analysis of the organization and operation of the administering state and federal agencies concerned with the Pennsylvania programs.

A particularly valuable part of the study is the final chapter which contains a model state act for conservation administration. The model proposes establishment of an integrated conservation agency under a single administrator. Although it was drafted to fit the Pennsylvania situation, with modifications it could be made applicable for other states. The proposed conservation agency would have divisions of forestry, water, parks and recreation, fish and game, mines and minerals, lands and soils, public relations and education, and technology. The model

act defines the programs to be undertaken by the various divisions in broad language, rather than the overly detailed statutes found in most states, particularly in fish and game programs.

S. K. G.

State Government

STATE GOVERNMENT AND ADMINISTRATION. A Bibliography. By Dorothy C. Tompkins. Chicago, Public Administration Service, 1954. vii, 269 pp. \$6.00.

This work is one of a series of bibliographies produced by the Bureau of Public Administration of the University of California at Berkeley of which Mrs. Tompkins is a staff member.

The preface states that it "presents a guide to primary sources of information which are basic to a study of state government and administration." It continues, "The second part of this volume is devoted to the legislative process . . . and to judicial administration . . ." and, "In general, the bibliography has drawn on materials issued since 1930."

The bibliography is weighted toward basic documents and to materials on the legislature. Administrative aspects of state government, although referred to in the title, are given too little attention. This is a selected listing and falls heir to the difficulties imposed in any attempt to select and classify materials on such a vast subject. Nevertheless, it will prove to be a handy sourcebook.

J. P. K.

Additional Books and Pamphlets

Civil Defense

BASIC COURSE FOR CIVIL DEFENSE. By Federal Civil Defense Administration. Washington 25, D. C., Superintendent of Documents, U. S. Government Printing Office, 1955. 47 pp. 30 cents.

Civil Service

ELEMENTS OF POSITION CLASSIFICATION IN LOCAL GOVERNMENT. By Kenneth

Byers, M. Robert Montilla and Elmer V. Williams. Chicago, Civil Service Assembly, 1955. 52 pp. \$2.00. (Discounts on quantity orders.)

THE WORK OF CIVIL SERVICE COMMISSIONS. By Winston W. Crouch and Judith Norvell Jamison. Chicago, Civil Service Assembly, 1955. 49 pp. \$2.00. (Discounts on quantity orders.)

Community Development

ORGANIZED INDUSTRIAL DISTRICTS. A Tool for Community Development. By Theodore K. Pasma. Washington, D. C., U. S. Department of Commerce, Office of Technical Services, 1954. vii, 111 pp. 65 cents. (Apply: Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.)

Judiciary

JUSTICE ENSLAVED. A Collection of Documents on the Abuse of Justice for Political Ends. The Hague, Netherlands, International Commission of Jurists, 1955. 535 pp.

THE NEW YORK COURTS. By Harold R. Medina. New York, Institute of Judicial Administration, 1955. 16 pp.

Legislatures

AMERICAN LEGISLATURES: STRUCTURE AND PROCEDURES. Summary and Tabulations of a 1955 Survey. Chicago, The Council of State Governments, 1955. 91 pp. \$2.00.

Local Government

A SYMPOSIUM ON LOCAL GOVERNMENT LAW. By Jefferson B. Fordham, Murray Seasongood, etc., Nashville, Tennessee, Vanderbilt University Press, *Vanderbilt Law Review*, June 1955. 271 pp. \$2.00.

Management

ORGANIZATION AND MANAGEMENT: THEORY AND PRACTICE. By Catheryn Seckler-Hudson. Washington, D. C., The American University Press, 1955. x, 324 pp. \$5.00.

Municipal Government

THE CITY. Urbanism and Urbanization in Major World Regions. By Rose Hum Lee. Philadelphia, J. B. Lippincott Company, 1955. viii, 568 pp. \$5.50.

CRISIS OF THE CITIES. By Fred K. Vigman. Washington, D. C., Public Affairs Press, 1955. viii, 155 pp. \$3.25.

GOVERNING URBAN AMERICA. Structure, Politics and Administration. By Charles R. Adrian. New York, McGraw-Hill Book Company, 1955. vii, 452 pp. \$5.50.

Police

SURVEY REPORT OF THE METROPOLITAN POLICE DEPARTMENT, DISTRICT OF COLUMBIA. By Edward J. Flynn, W. K. Holl and Earl P. Hartman. Washington, D. C., Board of Commissioners of the District of Columbia, 1955. xvii, 38 pp.

Political Parties

AMERICAN POLITICS AND THE PARTY SYSTEM. (Second edition.) By Hugh A. Bone. New York, McGraw-Hill Book Company, 1955. viii, 670 pp. \$6.00.

Population

ESTIMATES OF THE POPULATION OF THE UNITED STATES, BY AGE, COLOR AND SEX: JULY 1, 1950 TO 1955. Washington, D. C., U. S. Department of Commerce, Bureau of the Census, *Current Population Reports, Population Estimates*, September 1955. 14 pp. 10 cents.

Proportional Representation

REGULATIONS. Applying the Principle of Proportional Representation by the Method of the Single Transferable Vote Illustrated by an Example. By A. J. Gray and John Fitzgerald. London, S.W.1, England, The Proportional Representation Society, 1955. 36 pp.

Public Works

PUBLIC WORKS AND EMPLOYMENT. From the Local Government Point of View. A report of the W. E. Upjohn Institute for Community Research by Eugene C. McKean and Harold C.

Taylor. Chicago, Public Administration Service, 1955. xiii, 274 pp. \$5.00.

Real Property

LAND USE CONTROLS. Supplementary Materials on Real Property. By Frank E. Horack, Jr., and Val Nolan, Jr. St. Paul (Minnesota), West Publishing Company, 1955. xvi, 240 pp.

Recreation

RECREATION FOR HANDICAPPED PEOPLE IN CALIFORNIA. By State of California Recreation Commission. Sacramento, California State Printing Office, Documents Section, 1955. 52 pp. 52 cents.

RESEARCH IN RECREATION COMPLETED IN 1953 AND 1954. Prepared under the Direction of the Editorial Board of the National Advisory Committee on Recreation Research. New York, National Recreation Association, 1955. 30 pp. \$1.00.

Retirement Funds

CASH AND INVESTMENTS OF PUBLIC EMPLOYEE RETIREMENT FUNDS IN 1954. By Bureau of the Census. Washington 25, D. C., U. S. Government Printing Office, Superintendent of Documents, October 1955. 12 pp. 10 cents.

Salaries

EXECUTIVE COMPENSATION—U.S. STATE GOVERNMENTS. By Boynton S. Kaiser and Dorothy E. Everett. Berkeley, University of California, 1955. 22 pp.

1955 MICHIGAN MUNICIPAL WAGES AND SALARIES. Supplement to Michigan Municipal League Bulletin 75. Ann Arbor, Michigan Municipal League, October 1955. 9 pp.

SALARIES OF MUNICIPAL OFFICIALS IN 235 NORTH DAKOTA CITIES AND VILLAGES. Bismarck, League of North Dakota Municipalities, 1955. 23 pp.

School Buildings

ARE OUR SCHOOL BUILDINGS BEING BUILT AS ECONOMICALLY AS POSSIBLE? Seattle, Municipal League of Seattle and King County, 1955. 14 pp.

Shopping Centers

THE STATUS OF NEW SUBURBAN SHOPPING CENTERS. By Homer Hoyt. Washington 6, D.C., Urban Land Institute, *Urban Land*, June 1955. 4 pp. \$1.00.

Slum Clearance

NO SLUMS IN TEN YEARS. A Workable Program for Urban Renewal. By James W. Rouse and Nathaniel S. Keith. Washington 1, D. C., District of Columbia Redevelopment Land Agency, 1955. 51 pp. \$1.00. (Make checks payable to Collector of Taxes, D. C., and mail to District of Columbia Redevelopment Land Agency, 499 Pennsylvania Avenue, N.W., Washington 1, D. C.)

State and Local Governments

SOME CURRENT PROBLEMS IN STATE AND LOCAL GOVERNMENT. By W. Brooke Graves. University, University of Mississippi, Bureau of Public Administration, 1955. 9 pp.

State Government

INDEX TO INFORMATION AVAILABLE FROM STATE AGENCIES. Nashville, Tennessee State Planning Commission, 1955. 211 pp.

VIRGINIA'S GOVERNMENT. A Description of the Structure and Functions of the State and Local Governments of the People of Virginia. Richmond, Virginia State Chamber of Commerce, 1955. 148 pp. \$2.00. (Discounts on quantity orders.)

Taxation and Finance

COMPENDIUM OF CITY GOVERNMENT FINANCES IN 1954. The 481 Cities Having More Than 25,000 Inhabitants in 1950. By Bureau of the Census. Washington 25, D. C., Superintendent of Documents, U. S. Government Printing Office, 1955. vi, 167 pp. \$1.00 (paper).

FINANCIAL STATISTICS OF NEW JERSEY LOCAL GOVERNMENT. Municipalities, School Districts, Counties. Trenton, New Jersey Taxpayers Association, 1955. 56 pp.

Traffic Safety

HOLIDAY HAZARDS. (December 1955 Theme.) A Traffic Safety Program Kit Including S-D Day Materials. Chicago, National Safety Council, 1955. Various pages.

WINTER HAZARDS. (January 1956 Theme.) A Traffic Safety Program Kit with Alternate Program for Mild Climate States. Chicago, National Safety Council, 1955. Various pages.

Trees

ACCENT ON TREES. Washington 6, D.C., Urban Land Institute, *Urban Land*, July-August 1955. 4 pp. \$1.00.

Unemployment Compensation

UNEMPLOYMENT COMPENSATION. 1955 Legislative Issues. An Analysis of Important Public Questions Facing Indiana Citizens and Legislators, Involving Decisions Vital to the Economic Future of Hoosier Employers and Employees—and many Millions of Tax Dollars. Indianapolis, Indiana State Chamber of Commerce, 1955. 39 pp.

Urbanisation

THE URBAN SOUTH. Edited by Rupert B. Vance and Nicholas J. Demerath. Chapel Hill, University of North Carolina Press, 1954. xii, 307 pp. \$5.00.

Urban Redevelopment

DOES REDEVELOPMENT PAY OFF? A Case Study in Project "A" of the Indianapolis Redevelopment Commission. Indianapolis, Chamber of Commerce, Bureau of Governmental Research, 1955. 57 pp. Charts, tables.

HOW LOCALITIES CAN DEVELOP A WORKABLE PROGRAM FOR URBAN RENEWAL. By Housing and Home Finance Agency. Washington, D.C., Superintendent of Documents, United States Government Printing Office, 1955. 13 pp. 10 cents.

Urban Sociology

URBAN SOCIOLOGY. By Egon Ernest Bergel. New York, McGraw-Hill Book Company, 1955. xii, 558 pp. \$6.50.

EDITORIAL COMMENT

(Continued from page 557)

convincing than one which might have promised efficient, honest government.

Mr. Curley's appeals always had been blatantly to the cheapest emotions and prejudices. He had a good share of his constituents convinced that he was a sort of Robin Hood who played his picaresque role for the benefit of the common man. "The international bankers have always been against me, but the people are for me," was typical of his glibly irrelevant answers to serious criticisms. Once he regaled a Saturday crowd with this sly (and perhaps less than accurate) blast at an opponent: "Do you know what he was doing last evening? He was eating steak at his club!"

It would be very encouraging to believe that Mr. Curley has been retired because of the voters' awareness of the emptiness of this sort of thing but undoubtedly some voters simply drew the line at voting for a man of 81.

In any event, careers like Mr. Curley's will be less likely in the future because of a basic change in Boston's charter which now requires that, to be elected mayor, a candidate must receive a majority of the votes either in the primary or in the run-off election. According to the *Berkshire Eagle*, in all his many victories at the polls Mr. Curley's success was due to "the fragmentation of the opposition. He has never secured a majority of the vote."

In other words, this man who has done so much damage to Boston's reputation might never have occupied public office if his opposition had not always been divided or if the law had required a clear majority for victory.

Correction

The REVIEW regrets that in the article, "Slum Clearance Pays Off," by Donald Robinson, appearing in October 1955, p. 461, there was an important omission. In referring to the publication, *The Social Effects of Public Housing*, the name of the co-author, Sara Shuman Hartman, was inadvertently omitted.—EDITOR

Recent Visitors

Among recent visitors to the Carl H. Pforzheimer Building, League headquarters, were: Alfred F. Smith, San Francisco Bureau of Governmental Research; Miss Juliet L. Billings, St. Louis Governmental Research Institute; Alvin A. Burger, James Hankerson, and Howard W. Blomquist of the Texas Research League;

Also, Jac Chambliss, Chattanooga attorney and NML regional vice president; Aron Moyal, director general, Israel Department of Interior; John B. Blandford, Jr., staff director of the New York State-New York City Fiscal Relations Committee; Eric Carlson, of ESAPAC, who was in New York preparing for a UN mission to study housing, planning and urban development in South American countries;

Also, W. C. Dutton, Jr., director of planning for the Charleston (S. C.) County Planning Board; Gilbert Y. Steiner, University of Illinois, former staff director for the Chicago Home Rule Commission; Wade S. Smith, assistant director of municipal research, Dun & Bradstreet;

Also, L. P. Cookingham, Kansas City (Missouri) city manager and NML Council member; E. Bartlett Brooks, Dayton, NML Council member; John F. Willmott, executive director, Dade County Research Foundation; City Manager and Mrs. Howard A. Olson, Elmwood Park, Illinois; J. F. Isakoff,



Masaji Narita, vice governor of Toyama Prefecture, Japan, obtained briefing on state government, intergovernmental relations and the work of NML from Assistant Director John E. Bobout at the Carl H. Pforzheimer Building. Mr. Narita is making a tour under the auspices of the Department of State to compare American practices with those developing under the postwar Japanese constitution.

director of research, Illinois Legislative Council; H. M. Olmsted, hearing examiner, N.Y.S. Public Service Commission.

Editors Hear REVIEW Is Good Basic Source

Twenty-seven copies of the NATIONAL MUNICIPAL REVIEW were used by James J. Doyle, editorial writer for the *Providence Journal & Evening American*, in his recent discussion at the American Press Institute of methods of improving local news coverage.

Managing and news editors of newspapers from various parts of the country attended the Institute seminar at Columbia University.

Mr. Doyle used the REVIEW and other League publications as examples of basic source materials that should be available to city hall reporters.

Election problems are discussed in the Osborn Room by State Representative William Pollack, Illinois, second from left, and League staffers (l. to r.) Samuel K. Gove, John P. Keith and Alfred Willoughby. Mr. Pollack is majority whip and chairman of the Interim Commission on Election Laws.





Bruce Smith, Police Expert, Dead

Bruce Smith, noted expert on police problems and member of the League's Committee on a Model State Medico-legal Investigative System, died September 18 after a brief illness.

Mr. Smith, who was director of the Institute of Public Administration, was nationally known for his surveys and reorganization of police departments of major cities and states. He was a member of the New York Law Revision Commission and chairman of the Commission to revise the New York Code of Criminal Procedure.

Mr. Smith worked out the uniform system of crime reporting authorized by Congress in 1930, which is now used by the Federal Bureau of Investigation and nearly 3,400 United States cities. He had inspected foreign police operations, including Scotland Yard, and frequently lectured at the F.B.I. Police Training Academy.

In 1955 Michigan State College presented its Centennial Award to Mr. Smith in recognition of his distinguished services in behalf of the improvement of the administration of justice.

J. Edgar Hoover, F.B.I. chief, said of Mr. Smith's death, "The imprint left by Bruce Smith on American law enforcement will survive his passing. . . . His constructive suggestions have helped raise American law enforcement standards."

Aron Moyal, second from right, director general of the Israel Department of Interior, conferring in the Murray Seasongood Library on problem of getting more autonomy for municipalities of his country. Others, left to right, are John P. Keith; Charleton Chute, assistant director, Institute of Public Administration; John E. Bebout; Alfred Willoughby and Samuel K. Gove.

Samuel C. May Dies

Samuel C. May, long active in the League, died in New York on September 30 while on his way to Italy to establish a public administration course at the University of Bologna. He had retired earlier this year as director of the Bureau of Public Administration at the University of California which he founded in 1922.

Dr. May was a member of the League council in the 30s and had served on several League committees, including the Committees on State Government and the County Manager Plan. He had also been a contributor to the REVIEW.

Twenty-five-year club gets a new member in Mrs. Stella Foreman, who is shown receiving a bonus check from Executive Director Alfred Willoughby after completion of a quarter century of service with the League.



Tools for Achieving Better Government

Citizen groups often turn to the League for help in achieving better government in their locality. Listed below are some of the tools available to them:

Campaign Pamphlets

Story of the Council-Manager Plan, 36 pages (1955).....	\$.20
Charts: Council-manager Form, Commission Form, Mayor-council Form (17½ x 22½"), 50 cents each, set of three.....	1.00
County Manager Plan, 24 pages (1950).....	.20
Forms of Municipal Government—How Have They Worked? 20 pages (1955).....	.25
Facts About the Council-Manager Plan, 8 pages (1954).....	.05
City Employees and the Manager Plan, 4 pages (1952).....	.05
Labor Unions and the Council-Manager Plan, 8 pages (1955).....	.05
P. R., 12 pages (1955).....	.05
The Citizen Association—How to Organize and Run It, 64 pages (1953).....	.75
The Citizen Association—How to Win Civic Campaigns, 64 pages (1953).....	.75
(The two pamphlets above may be purchased together for \$1.20)	

Model Laws

Model Accrual Budget Law, 40 pages (1946).....	.75
Model Cash Basis Budget Law, 42 pages (1948).....	.75
Model City Charter, 173 pages (1941).....	1.50
Model County and Municipal Bond Law, 54 pages (1953).....	1.00
Model County Charter (New edition in preparation.).....	1.50
Model Direct Primary Election System, 48 pages (1951).....	1.00
Model Investment of State Funds Law, 23 pages (1954).....	1.00
Model Real Property Tax Collection Law, 40 pages (1954).....	1.00
Model State and Regional Planning Law (1954).....	1.00
Model State Civil Service Law, 32 pages (1953).....	.75
Model State Constitution, 72 pages (1948).....	1.00
Model State Medico-legal Investigative System, 39 pages (1954).....	.50
Model Voter Registration System, 56 pages (1954).....	1.00

Other Pamphlets and Books

American County—Patchwork of Boards, 24 pages (1946).....	.35
Best Practice Under the Manager Plan, 8 pages (1954).....	.15
Civic Victories, by Richard S. Childs, 367 pages (1952).....	3.50
Coroners in 1953—A Symposium of Legal Bases and Actual Practices, 90 pages, mimeographed (1955).....	2.00
Digest of County Manager Charters and Laws, 70 pages (1955).....	2.00
Guide for Charter Commissions, 44 pages (1952).....	.75
Guide to Community Action, by Mark S. Matthews, 448 pages (1954).....	4.00
Manager Plan Abandonments, by Arthur W. Bromage, 36 pages (1954).....	.50
The Metropolitan Problem—Current Research, Opinion, Action, by Guthrie S. Birkhead (reprinted from NATIONAL MUNICIPAL RE- VIEW), 12 pages (1953).....	.25
New Look at Home Rule, by Benjamin Baker etc. (reprinted from NATIONAL MUNICIPAL REVIEW), 32 pages (1955).....	.50
Proportional Representation—Illustrative Election, 8 pages (1951).....	.10
Proportional Representation—Key to Democracy, by George H. Hallett, Jr., 177 pages (1940).....	.25
Save Our Cities, by Joseph E. McLean etc. (reprinted from NATIONAL MUNICIPAL REVIEW), 32 pages (1954).....	.35

Discount on Quantity Orders — Write for Complete List and Description.

National Municipal League

Carl H. Pforzheimer Building

47 East 68th Street, New York 21, N. Y.



Ever Have a "Lights On" Celebration in Your City?

A "Lights On" celebration is a real community occasion. Often an entire town, thousands strong, turns out to see a public official switch on new street lights for the first time.

Why?

One big reason, of course, is the carnival atmosphere. Usually there's a parade, gaily decorated floats, a band or drum and bugle corps, and fireworks. Often the winner of a "parade queen" beauty contest reigns over the fun. Maybe there's a street dance or community "feed" right on Main Street itself.

But there's always a more important reason underlying all this public interest: people *want*, and appreciate, good street lighting. They know they prefer to shop

along well-lighted streets. They know they're safer when walking or driving along well-lighted streets. They come to a turn-on ceremony which they know will make their city's street lighting compare favorably with that of neighboring communities.

In short, good street lighting comes to be a bright, visible symbol of the services the people expect—and get—from progressive municipal officials.

Why not talk over your city's street lighting with your local electric utility? You'll find them glad to help you in arriving at planned, practical solutions to your street lighting problems!

"Out of Darkness," a new, dramatic film story of how one community met its street lighting problems, is now available to civic groups, community service organizations, etc. This 16-mm, sound, black and white movie runs 26 minutes. Borrow a print of "Out of Darkness" from your nearest G-E Apparatus Sales Office.

Section E485-2
Outdoor Lighting Department
General Electric Company
1400 Western Avenue
West Lynn 3, Massachusetts

Please send me a free copy of the 24-page bulletin, "Light The Way to A Better Community."

Name

Street

City

State

GENERAL  ELECTRIC